

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 696 of 2009**

1. Shrawan S/o Devendra Chauhan, aged about 31 years, R/o Naya Ganj Ward Bhatapara, District Raipur (CG)
 2. Devendra S/o Janak Ram Ragde (wrongly mentioned in order sheet Rade), aged about 25 years, R/o Janjgir, Police Station & Tahsil Janjgir, District Janjgir-Champa (CG)
- Appellants**

Versus

1. Mahendra Kumar S/o Budhram Sahu, aged about 25 years, R/o Naya Ganj, Ward Bhatapara, Police Station & Tahsil Bhatapara, District Raipur (CG)
2. Bhag Singh S/o late Malik Singh Saluja, aged about 65 years, R/o Balbhadra Ward Bhatapara, Police Station & Tahsil Bhatapara, District Raipur (CG)
3. The Oriental Insurance Company, Divisional Office No.1, Madina Building, Jail Road, Kachhari Chowk, Raipur, District Raipur (CG)

---- Respondents

For Appellants	:	Shri Dashrath Kushwaha, Advocate
For Respondent no. 2	:	Shri B. P. Gupta along with Ms. Richa Jain, Advocates
For Respondent no.3	:	Shri Sudhir Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/09/2017**

Present is an appeal by the claimants under Section 173 of the Motor Vehicles Act seeking for enhancement of the award dated 30.01.2009 passed by the 1st Additional Motor Accident Claims Tribunal, Baloda Bazar (CG) in Claim Case No. 05/2008. Vide the impugned award, the Tribunal in an injury case has awarded compensation of Rs.52,000/- to each of the claimants.

2. Counsel for the appellants assailing the impugned award submits that the amount of compensation awarded by the Tribunal is on the lower side and the same deserves enhancement. He further submits that appellant No.1 had received fracture on his right hand and there was a fracture on the collar bone of appellant no.2 and that the doctor was also examined on behalf of the claimants proving the injury and disability part.

3. Considering the entire facts and circumstances of the case particularly taking into consideration the nature of injury, the statement of the doctor and the period of accident, this Court is of the opinion that ends of justice would meet if both the appellants are awarded an additional compensation of Rs.50,000/- each. Accordingly, the appeal stands allowed to the extent that each of the appellants shall be entitled for an additional amount of Rs.50,000/- in addition to what has already been awarded by the Tribunal. The liability of payment of compensation shall be upon the Insurance Company.

4. The appeal thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE