

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR
MAC No.1212 of 2017

Chandrabhas Chandrakar S/o Gokul Prasad Chandrakar Aged About 50 Years R/o Village Dandesara, Police Station Post Office & Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Appellant

Versus

1. Roshan Lal Mochi S/o Panchram Mochi, Aged About 26 Years R/o Behind Chandi Mandir, Kurud, Police Station, Post Office & Tahsil Kurud, District Dhamtari Chhattisgarh..... (Driver Of Vehicle Pick-Up Bearing Registration No. C G / 05 / D / 1399)
2. Ramesh Kumar Sahu, S/o Thanwar Sahu, Aged About 33 Years R/o School Para, Charbhata, Kurud, Police Station, Post Office & Tahsil Kurud, District Dhamtari Chhattisgarh(Registered Owner Of Vehicle Pick-Up Bearing Registration No. C G / 05 / D / 1399)
3. The Magma H. D. I. General Insurance Company Limited, Through Division Manager, Divisional Office, G. E. Road, Near Rajkumar College, Raipur, Police Station Sarswati Nagar, Post Office Raipur, Tahsil & District Raipur Chhattisgarh.....(Insurer Of Vehicle Pick-Up Bearing Registration No. C G / 05 / D / 1399).

---- Respondents

For Appellant	:	Shri Shivendu Pandya, Advocate.
For respondents No.3	:	Shri Ghanshyam Patel, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy

Order On Board

30.08.2017

1. The present is an appeal under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 09.08.2016 passed by the Ist Additional Presiding Officer to Ist Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.118 of 2013. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act by the appellant-injured person, has awarded compensation of Rs.4,65,000/-along with interest @ 7 percent per annum from the date of application. Of

th said amount, an amount of Rs.3,15,000/- was paid towards the medical expenses which were incurred by the appellant.

2. Shri Ghanshyam Patel, Advocate, takes notice on behalf of the respondent No.3 and had also sought instructions in this regard from the respondent No.3.
3. The contention of the appellant is that the doctor had opined that the appellant has sustained 50 percent temporary disability because of the injury sustained by him i.e. fracture of humerus bone as well as of the right ulna bone. He further submits that the Tribunal has failed to take into consideration the future treatment which the appellant would require as also the expenses which the appellant had incurred for engaging the attendant as also for the accidental travel expenses sustained by him. Further, the amount of compensation towards disability also is on the lower side.
4. Counsel for the insurance company however opposes the appeal and submits that the appellant was not suffering from any permanent disability and that 50 percent disability assessed is also temporary in nature. Thus, prayed for rejection of the appeal.
5. Having heard the rival contentions put forth on either side, and on perusal of records, this court is of the opinion that instead of keeping this appeal pending consideration for a considerable period of time, ends of justice would meet if a lump sum additional compensation of Rs.50,000/- is granted to the appellant-injured person in addition to what has already been awarded by the Tribunal. It is ordered accordingly.

6. The Appellant-claimant shall now be entitled for an additional compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal. The said additional compensation shall also carry interest at the same rate as awarded by the Tribunal in its award under challenge. Rest of the conditions mentioned in the award shall remain intact.

SD/-
(P. Sam Koshy)
Judge

inder