

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MISC. APPEAL (C) NO. 1338 OF 2017**

Krishnakant Soni, aged about 40 years, S/o Sitaram Soni, R/o Lili Chowk, Purani Basti, Raipur, Police Station- Purani Basti, District Raipur (C.G.)

**... Appellant**

**Versus**

1. Shailendra Singh Rajput @ Manu, S/o Bijendra Singh Rajput, R/o Purani Basti, Lohar Chowk, Bandhwapara, Raipur, Police Station- Purani Basti, Raipur (C.G.)

2. Santosh Singh, S/o Shiv Bahadur Singh, R/o Ekta Nagar, Gudhiyari, Police Station- Gudhiyari, District Raipur (C.G.)

3. National Insurance Company Limited, through the Divisional Manager, G.E. Road, Raipur (C.G.)

**... Respondents**

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For Appellant : Mr. Anumeh Shrivastava, Advocate.

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**27/09/2017**

1. Heard on I.A. No.1 of 2017, which is an application for condonation of delay occurred in the filing of the present appeal which is barred by limitation of 136 days.

2. Finding the reasons assigned in the application to be satisfactory and also considering the fact that it is an appeal by the injured-claimant case seeking enhancement of the compensation awarded, I.A. No.1 of 2017 is allowed and the delay of 136 days occurred in the filing of the present appeal stands condoned.

3. The present is a claimant's appeal under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the Fifth Additional Motor Accident Claims Tribunal, Raipur, vide its award dated 7.2.2017 passed in Claim Case No. 173 of 2013.

4. Vide the impugned award dated 7.2.2017, the Tribunal, in a proceeding under Section 166/140 of the Motor Vehicles Act, in an injury case, has awarded a compensation of Rs. 63,878/- to the appellant-claimant, with interest thereon at the rate of 9% per annum from the date of filing of the claim application.

**5.** It is a case where on 16.3.2013 the appellant-claimant sustained some injuries on account of the accident which occurred when the Motorcycle No.CG04-DU-8092 which he was driving, was hit by an Indica Car No. CG04-HA-7703 driven by respondent no.1, owned by respondent no.2 and insured with respondent no.3. This gave rise to the filing of the claim application, out of which the present appeal arises seeking for enhancement of the compensation awarded by the Tribunal.

**6.** The appellant-claimant is seeking enhancement of the compensation, on the ground that the amount of compensation awarded is on the lower side and that the same deserves suitable enhancement considering the nature of injuries sustained.

**7.** Perusal of the record would show that it is a case where the doctor has not been examined before the Tribunal to establish permanent disability or the percentage of functional disability which must have been caused because of the injuries sustained. Further, it also reflects that the Tribunal has awarded the entire amount towards the medical treatment for which the bills were raised and also the expenses incurred in the repairing of the motorcycle belonging to the appellant-claimant.

**8.** In addition, the finding on issue no.3 is that the appellant-claimant had received simple injuries on his leg, waist, chest and other parts of his body and that the nature of injuries does not appear to be grievous in nature. The Tribunal considering the entirety of the injuries sustained has as it is awarded a compensation of Rs.20,000/- towards pain and suffering and Rs.10,000/- towards special diet and nutritious food.

**9.** In the opinion of this Court, the Tribunal has granted just and sufficient compensation to the claimant considering the nature of injuries sustained. This Court therefore does not find any strong case made out for interfering with the impugned award and the same thus deserves to be and is accordingly affirmed.

**10.** In the result, the appeal being devoid of merits the same is accordingly dismissed.

Sd/-  
**(P. Sam Koshy)**  
Judge

/sharad/