

HIGH COURT of CHHATTISGARH, BILASPUR
MAC No. 128 of 2009

1. Shuklambar Patel S/o Bhuvneshwar Prasad Patel, occupation, Advocacy and Investigator The Oriental Insurance Co.Ltd. Branch Raigarh R/o Rajeev Nagar, Kotara Road, Raigarh (CG).

-----Appellant

Versus

1. Dinesh Kumar Painkara S/o Samaru Ram Painkara, aged about 36 years, occupation driver, R/o Baigapara, Charghora, at present R/o Govt. Kirodimal District Hospital premises, Raigarh, Teh. And Distt. Raigarh (CG).
2. M/s Raigarh Chemist and Druggist Association Raigarh Through President, M/s Raigarh Chemist and Druggist Association, Raigarh.
3. The New India Insurance Co. Ltd. Through Branch Office Sattigudi Chowk, Raigarh (CG).

-----Respondents

For Appellant	:	Shri RK Pali, Advocate.
For respondent No.3	:	Shri Qamrul Aziz, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy
Judgment On Board

07.11.2017.

1. The present is an appeal filed by the claimant seeking enhancement of compensation under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 27.11.2008 passed by the 3rd Additional Motor Accident Claims Tribunal, Raigarh (for short, the Tribunal) in Claim Case No.13 of 2007. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act in an injury case has awarded a compensation of Rs.1,13,105/- to the claimant.
2. Learned counsel for the appellant submits that the compensation awarded by the Tribunal is on the lower side inasmuch as out of total compensation awarded, Rs.1,03,573/- is towards medical bills incurred during the course of treatment and amount of compensation awarded thereafter for pain and suffering, special diet and other incidental expenses are too meager an

amount and the same deserves to be suitably enhanced. He further submits that the appellant was a lawyer by profession and that it took six months time for complete recovery and during the said period also he had suffered substantial loss of income for which the Tribunal should have compensated suitably.

3. Learned counsel for the insurance company submits that the Tribunal has awarded just and proper compensation and there is no scope of interference as the Tribunal has considered all factors required while granting compensation.
4. Having heard the rival contentions put forth on either side and on perusal of records particularly considering the nature of injuries and its gravity as is discussed by the Doctor and further considering the compensation awarded towards pain and suffering, special diet and incidental travel expenses to be unreasonably low, this court is of the opinion that ends of justice would meet if the claimant is awarded an additional lump sum compensation of Rs.1,00,000/- in addition to what has already been awarded by the Tribunal.
5. It is ordered accordingly that the claimant shall be entitled for an additional amount of compensation of Rs.1,00,000/-. Thus, the total compensation payable to the claimant would become Rs.2,13,105/- instead of Rs.1,13,105/-.
6. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
7. The appeal thus stands allowed and disposed off.

Sd/-
(P.Sam Koshy)
Judge