

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 1427 OF 2017

Harprasad Mishra, S/o Laxman Prasad Mishra, aged about 68 years, R/o Village- Bacharwar, P.S. Pendra, District Bilaspur (C.G.)

... Appellant

versus

1. Ramswarup Agrawal, S/o Late Girdhari Lal Agrawal, aged about 53 years, R/o Village- Pendra, P.S. Pendra, District Bilaspur (C.G.)

2. Oriental Insurance Company Limited, Commercial Complex, T.T. Nagar, Korba, Division Office- Bilaspur, District Bilaspur (C.G.)

... Respondents

For Appellant	:	Mr. Yogendra Chaturvedi, Advocate.
For Respondent No.2	:	Mr. Ghan Shyam Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/11/2017

1. Heard on I.A. No.1/2017, which is an application for condonation of delay in filing the present appeal.

2. For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1/2017 is allowed and the delay of 76 days occurred in the filing of the present appeal stands condoned.

3. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, filed by the claimant seeking enhancement of the compensation awarded by the Additional Motor Accident Claims Tribunal, Pendraroad, District Bilaspur, vide its award dated 29.4.2017 passed in Motor Accident Claim Case No.03/2016.

4. Vide the impugned award, the learned Tribunal, in an injury case, under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.4,43,055/- to the injured-claimant, with interest thereon at the rate of 6% per annum from the date of presentation of his claim application.

5. Shri Yogendra Chaturvei, learned counsel appearing for the appellant-claimant, referring to paragraph 11 of the award submits that 67 years old appellant had suffered multiple fractures on his body, inasmuch

as his right femur had received fracture, likewise there was a fracture on his right leg, ribs of his right side had also got fractured, similarly there was a fracture on his right metacarpal bone so also there was other injuries all over his body and on many parts of his face. He further submits that, of the total compensation awarded i.e. Rs.4,43,055, Rs.3,57,061 is towards the medical expenditure incurred and that the compensation awarded under the other heads is also on the lower side and thus he prayed for a suitable enhancement of the compensation awarded.

6. Shri Ghan Shyam Patel, learned counsel appearing for respondent no.2-insurance company, after seeking instructions, submits that the learned Tribunal seems to have passed a just and reasonable award, and there being no scope of interference, particularly considering the age of the claimant and also the fact that the learned Tribunal has granted compensation to the claimant on all heads.

7. Having heard the submissions put forth on either side and on perusal of record, undisputedly, the claimant in the instant case had received multiple fractures all over his body right from the head till feet. Taking into consideration the gravity of the injuries sustained, this Court is of the opinion that ends of justice would meet if the claimant is awarded an additional lump sum compensation of Rs.57,000/-, thus, making the total compensation of Rs.5,00,055/-.

8. It is accordingly ordered that the appellant-claimant shall be entitled for an additional compensation of Rs.57,000/- and the said amount shall also carry interest at the same rate as has been awarded by the learned Tribunal.

9. The appeal stands allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge