

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 788 of 2010**

Uttam Kumar Sahu, aged about 34 years, S/o. Sevakram Sahu, R/o Village Santoshi Nagar Near Durga Mandir, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh

---- Appellant**Versus**

1. Sunil Kumar Keshwani, S/o. Govind Ram Keshwani, R/o. Shop No.16, Shastri Bazar, Raipur, Tahsil and District Raipur, Chhattisgarh
2. The New India Insurance Company Ltd. Through: Divisional Manager, Divisional Office No.2, Bajrang Market, G.E. Road, Raipur, District Raipur, Chhattisgarh

----Respondents

For Appellant	:	Mr. Pawan Kesharwani, Advocate
For Insurance Company	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/10/2017**

1. The present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 15.01.2010, passed by the 2nd Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 196/2009.
2. Vide the impugned award, the Tribunal, in a claim case under Section 163-A of the Motor Vehicles Act has awarded a compensation of Rs.15,000/- with interest @ 6% per annum.
3. The counsel for the appellant submits that the Tribunal has not properly appreciated the medical bills which were raised during the course of hearing and that the compensation awarded is also on the lower side. He further submits that appellant has sustained injuries on his ankle as well as knee of the right leg and a Doctor was also examined to prove the disability, who has certified that the disability

is of 18% and thus prayed for the suitable enhancement of the compensation.

4. Counsel for the Insurance Company however opposing the appeal submits that it is a case claim under Section 163-A of the Motor Vehicles Act and that the award being just and reasonable, there is no scope of enhancement and therefore, the appeal deserves to be rejected.
5. Having heard the contentions put forth on either side and on perusal of the record, undisputedly the accident did take place on 16.05.2005 and that the appellant also received certain injuries on his right leg. He must have definitely undergone much pain and suffering, as also mental agony during the period of treatment, so also must have incurred some loss during the course of treatment.
6. Considering the entire facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the Claimant is ordered to receive an additional amount of compensation of Rs.35,000/- in addition to what has already been awarded by the Tribunal. Thus, making the total compensation payable at Rs.50,000/- instead of Rs.15,000/- as awarded by the Tribunal. It is ordered accordingly.
7. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
8. Accordingly, the appeal stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge