

HIGH COURT of CHHATTISGARH, BILASPUR**MA No. 591 of 2006**

Naresh Kumar Sahu, S/o Shri Shivnath Sahu, aged about 32 years,
R/o village Gadaghat, PS Rajim, District Raipur (CG).

---- Appellant

Versus

1. Chetan Soni, S/o Hiralal Soni, aged about 31 years, R/o Shitlapara, Nayapara Rajim, District Raipur (CG).
2. Chaman Lal Dewangan, S/o Kishun Dewangan, aged about 28 years, R/o village Panduka, Tehsil Rajim, District Raipur (CG).
3. The New India Assurance Co. Ltd. through its Branch Manager, Branch Office No.1, 2nd Floor, Raipur Development Authority, Bajrang Market, Raipur (CG).

---- Respondents

For Appellant	:	Smt. Smita Jha, Advocate.
For respondent No.3	:	Shri Dashrath Gupta, Advocate.

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

04.12.2017

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimant seeking enhancement of compensation against the award dated 05.09.2005 passed by the 9th Additional Motor Accident Claims Tribunal (FTC) Raipur (in short, the Tribunal) in Claim Case No.55/2005. Vide the said impugned award, the Tribunal in an injury case has awarded a compensation of Rs.32,310/- to the claimant along with interest @ 6 percent per annum from the date of application.
2. Counsel for the appellant-claimant submits that the amount of compensation awarded by the Tribunal is on lower side and that considering the nature of injuries suffered and the treatment which

has been incurred by the appellant, the compensation of Rs.32,310/- awarded by the Tribunal is on the lower side, and thus prayed for amount to be suitably enhanced.

3. The counsel for the insurance company, however opposing the appeal submits that the award seems to be fair and reasonable as the doctor who has treated the claimant has not been examined and that the disability part has also not been properly established. Further, the award has been passed on basis of bills produced before the Tribunal, and therefore, the appeal does not have any merit and the same deserves to be rejected.
4. Having heard the contentions put forth on either side and on perusal of records, taking into consideration the facts that appeal is pending consideration since 2006 onwards and the appellant indisputably had received multiple injuries on left femur bone and radius bone and the nature of injuries was fracture on both these bones and that the appellant was hospitalized for some days for his treatment, this court is of the opinion that ends of justice would meet if the claimant is awarded an additional compensation of Rs.50,000/- in addition to what has already been awarded. It is ordered accordingly.
5. The above enhanced amount of compensation i.e. Rs.50,000/- shall also carry interest at the same rate as awarded by the Tribunal.
6. Accordingly, the appeal of the appellant-claimant stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder