

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR
MA No. 1109 of 2005

Alok S/o Late Shri Arun Kashyap, aged about 23 years, R/o Rambag,
 Dhamtari, District Dhamtari (C.G)

---- Appellants

Versus

1. Bhushan Sahu S/o Shri Radheshyam Sahu, R/o Rampur Ward,
 Dhamtari, District Dhamtari (C.G)
2. The United Insurance Company Limited, Krishna Complex,
 Kachahari Chowk, Raipur, District Raipur (C.G).

---- Respondents

For Appellant	:	Shri R.K.Pali and Shri Amit Sahu, Advocates
For respondents No.2	:	Shri Dashrath Gupta, Advocate.

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

31/07/2017

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act seeking enhancement of compensation against the award dated 17/08/2005 passed by the Additional Motor Accident Claims Tribunal, Dhamtari (in short, the Tribunal) in Claim Case No.122/2004.
2. The Tribunal considering the evidence which have come on record granted compensation of Rs.2,300/- to the claimants against which the present appeal has been filed.
3. Learned counsel for the appellant referring to paragraph 8 of the award submits that appellant had sustained injuries on his right hand and also on the right feet and also all over his body and there was also a fracture sustained by him in the course of accident. However the documents pertaining to the treatment of so called fracture or the injuries sustained, could not be furnished during the course of

proceeding and in the absence of any record to establish the injury, the appellant has been awarded only Rs.2,300/- as compensation.

4. Without entering into further details of the case this court is of the opinion that considering the fact that it is an accident of 2003 and the accident is not disputed, the injury sustained by the appellant also has been proved by the Doctor examined before the Tribunal except for a treatment document which could not be produced during the course of proceeding, this court is of the opinion that ends of justice would meet if an additional amount of Rs.20,000/- is awarded to the appellant as full and final settlement of the case. With the aforesaid it is held that appellant shall now be entitle for compensation of Rs.22,300/- instead of Rs.2,300/-.
5. Thus the appellant shall now be entitled for total compensation of Rs.22,300/- instead of 2,300/- as awarded by the Tribunal. The enhanced amount of compensation shall also carry interest at the same rate as has been ordered by the Tribunal.
6. Thus, the appeal stands allowed. The respondent No.2-insurance company is granted one month time to deposit the enhanced amount of compensation before the concerned claims Tribunal.

Sd/-
(P. Sam Koshy)
Judge

inder