

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MA No. 536 of 2002

Bahur Ram Turkane, S/o. Thanuram Turkane, Aged about 43 years,
R/o. M.S. Turkane, Sector 4, Block No.3B, Road N.P.A. Bhilai,
District Durg, Chhattisgarh

---- Appellant

Versus

1. Dilipkumar, S/o. Diwakar Rao, Aged about 30 years, R/o. Behind Sindhi Gurudwara, Old Bhilai, District Durg, Chhattisgarh
2. Mohammad Abdul Saleem, S/o. Abdul Majid, R/o. Near Dena Bank, Khursipar, Bhilai, District Durg Chhattisgarh
3. Branch Manager, The Oriental Insurance Company, Power House, Bhilai, District Durg Chhattisgarh
4. Mahendra Singh Parihar, S/o. Shri Ram Singh Parihar, Adult, R/o. Sector-4, Road No.1, Qtr. No. 5D, Bhilai, District Durg Chhattisgarh
5. Mahinder Kaur, Wd/o. Dalbir Kaur, R/o. Block No. 6D, Road No.1, Sector 4, Bhilai, District Durg Chhattisgarh

---Respondents

For Appellant	:	Mr. R.K. Bhagat, Advocate on behalf of Mr. Jitendra Gupta, Advocate
For Insurance Company	:	Mr. Ghanshyam Patel, Advocate under instructions of Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/11/2017

1. Present is a Claimant's appeal under Section 173 of the Motor Vehicles Act. The challenge in the present appeal is the award dated 14.02.2002, passed in Claim Case No. 58/1999, by the 5th Additional Motor Accident Claims Tribunal, Durg, Chhattisgarh.
2. The present is an appeal by the Claimant in an injury case. The amount awarded is Rs.65,000/- with interest @9% per annum from the date of application.
3. The counsel for the appellant submits that it is a case where the Claimant has suffered multiple grievous injuries and has also

suffered permanent disability and therefore the amount of compensation awarded is too meagre. He further submits that the Doctors in the instant case has also been examined i.e. AW/3 Dr. Anupam Lal and AW/4 Dr. Harshwardhan. Dr. Anupam Lal was an Orthopedic, who had conducted an operation on the fracture of the appellant and has stated that he had suffered multiple fractures on his right leg. Likewise, Dr. Harshwardhan has also stated that he had to remove 4 teeth as a result of the injury from the accident.

4. Considering the total facts and circumstances of the case particularly the nature of injury as has been proved by the Doctors examined before the Court below and also taking into of the date of accident to be 20.02.1999, this Court is of the opinion that ends of justice would serve if an additional lump sum compensation of Rs.85,000/- is awarded to the Claimant to make the total compensation payable at Rs.1,50,000/- instead of Rs.65,000/- as awarded by the Tribunal. Considering the fact that the claim application is of year 1999 and the appeal is of the year 2002, this Court quantifies the rate if interest on the enhanced amount at 6% per annum instead of 9% as awarded by the Tribunal. This rate of 6% shall be applicable only on the enhanced amount.

5. The appeal stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved