

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 177 of 2014**

Mordhwaj S/o Kawal Singh Kumbhkar Aged About 28 Years R/o Semra,
P.S. Bhakhara, Tah. Dhamtari, Distt. Dhamtari C.G.

---- Appellants**Versus**

1. Jagdar Singh S/o Mani Ram Gond Aged About 37 Years R/o Manbeda, Bhanupratappur, Distt. Kanker C.G., Present R/o Hanuman Timber Mart, Fafadih, P.S. Devendra Nagar, Distt. Raipur C.G.
2. Bhai Lal Patel S/o B. Bhai Patel Aged About 50 Years R/o Hanuman Timber Mart, Fafadih, P.S. Devendra Nagar, Distt. Raipur C.G.
3. The Oriental Insurance Co. Ltd. Through - Divisional Office, Jail Road, Raipur, Distt. Raipur C.G.

---- Respondents

For Appellant	:	Ms. Nandkumari Kashyap, Advocate.
For respondent No.3	:	Shri Raj Awasthy, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/07/2017**

1. Present is an appeal under Section 173 of the Motor Vehicles Act filed by the claimant seeking for enhancement of compensation against the award dated 23.01.2014 passed by the Additional Motor Accident Claims Tribunal, Dhamtari (for short, the Tribunal), in Claim Case No.58/2013.
2. As against the compensation claimed by the claimant under Section 166 of the Motor Vehicles Act for the injuries sustained by him in the accident, the Tribunal after scrutiny of evidence, material placed and submissions made by the parties, awarded a compensation of

Rs.42,655/-.

3. Learned counsel for the appellant submits that looking to the injuries sustained by the claimant and the fact that he was hospitalized, the compensation awarded by the Tribunal is shockingly on lower side which deserves to be suitably enhanced.
4. On the other hand, learned counsel for the respondent No.3- insurance company opposes the appeal on the ground that award is just and proper and needs no interference.
5. Having considered the rival contentions put forth on either side and on perusal of record, the accident, the vehicle involved and the appellant sustaining injuries are not in dispute. The only thing which now is to be considered is that whether the amount of award is just and proper or not.
6. Indisputably, the amount of medical bills which has been exhibited in the case is more 42,000/-. For a person who sustained injuries which requires treatment of about ½ lakh of rupees, it definitely must have been grievous in nature. In the given circumstances, the amount of Rs.5000/- awarded under the head of pain and suffering is on lower side. The amount of Rs.3000/- towards special diet is also on lower side and the same therefore deserve to be enhanced.
7. Accordingly, this court is of the opinion that a lump sum additional amount of Rs.50,000/- under the heads of pain and suffering, mental agony, loss of income during treatment and also on special diet and incidental expenditure would make the compensation to be just and proper.

8. It is ordered accordingly. The claimant is entitled for a further amount of Rs.50,000/- in addition to the amount what has been awarded.
9. The above enhanced amount of compensation of Rs.50,000/- shall carry interest at the rate quantified by the Tribunal in the award. Rest of the conditions mentioned in the award shall remain intact.
10. The respondent No.3-Insurance Company is granted two months time to deposit the enhanced amount of compensation of Rs. 50,000/- before the concerned claims Tribunal.

Sd/-
(P. Sam Koshy)
Judge

inder