

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1005 of 2008**

1. Manki Bai W/o Trilokram Sahu, aged about 30 years.
2. Manish Kumar S/o Trilokram Sahu, aged about 10 years, Minor through Natural guardian Mother Manki Bai – Appellant No.1.
Both are R/o Village Purur, Tahsil Gurur, District Durg (C.G.).

---Appellants**Versus**

1. Kailash Kumar Sahu, aged about 26 years.
2. Hemu Ram Sahu S/o Ram Prasad Sahu, aged about 50 years.
Both are R/o village Purur, Tahsil Gurur, District Durg (C.G.).
3. The Manager, The Oriental Insurance Company Limited, Near by Adarsh Bal Mandir, Dhamtari Tahsil & District Dhamtari (C.G.).

---Respondents

For appellants	:	Shri Ajay Chandra, Advocate.
For respondent No.3/ Insurance Company	:	Shri P.Dutta under instructions of Shri Sudhir Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09/11/2017

1. Present is an appeal by the injured under Section 173 of the Motor Vehicles Act assailing the award dated 25/02/2008 passed by the learned Additional Motor Accident Claims Tribunal (F.T.C.), Dhamtari, District Dhamtari (C.G.) in Motor Accident Claim Case No.35/2007.
2. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.46,000/- along with interest @ 6% per annum.
3. The counsel for the appellants submits, that it is a case where the claimant suffered grievous injuries in as much as her right hand got fractured and had to be operated and she had been hospitalized for a considerable period of time and thus the operation also was not successful and she has lost considerable strength on the right hand and submits, that the compensation awarded is on the lower side and prays for suitable enhancement.

4. The counsel for the Insurance Company however opposing the appeal submits, that it is a case where the Tribunal has awarded the compensation based upon the evidence which have come on record and also taking into consideration the gravity of the injury sustained and thus prayed for the rejection of the appeal.

5. Having heard the contentions put forth on either side and taking into consideration the statement of the doctor who has been examined and also perusal of the record show, that the appellant was hospitalized between 16/02/2017 to 23/02/2017 and also she had to undergo an operation in respect of fracture on the right hand. All these must have definitely put her to a great amount of pain and suffering and also as per the statement, she has lost considerable strength on her right hand.

6. In the given factual matrix of the case this court is of the opinion that ends of justice would meet if a lump sum compensation of Rs.25,000/- is awarded to the claimants in addition to what has already been awarded by the Tribunal. It is ordered accordingly. Thus, the total compensation payable to the claimants would become Rs.71,000/- instead of Rs.46,000/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

7. The appeal stands allowed and disposed off.

**Sd/-
(P. Sam Koshy)
Judge**

Sumit