

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1485 of 2008**

Narendra Kumar Chandrakar S/o Manohar Lal Chandrakar, aged about 30 years, R/o Village Torankatta, P.S.and Post Somni, Tahsil and District Rajnandgaon (C.G.).

---Appellant

Versus

1. Shravan Kumar S/o Firturam Sahu, aged about 35 years, R/o Village Torankatta, P.S.and Post Somni, Tahsil and District Rajnandgaon (C.G.).
2. P.S.Katlam S/o A.S.Katlam, aged about 39 years, Occupation B.S.P.Employee, R/o Risali, Sector 280 D, Bhilainagar, District Durg (C.G.).

---Respondents

For appellant	:	Shri Abhishek Sharma, Advocate.
For respondent No.2	:	Ms.Fouzia Mirza, Advocate.

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

09/11/2017

1. Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 29/01/2008 passed by the learned Motor Accident Claims Tribunal, Rajnandgaon (C.G.) in Motor Accident Claim Case No.80/2007.
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.26,100/- along with interest @ 12% per annum.
3. The contention of the counsel for the appellant seeking enhancement is that, the appellant in the instant case had suffered two major fractures on his right Fibula bone as also fracture on the Inter condylar comminuted femur bone and considering the fact, that the appellant had suffered two major fractures, the amount of compensation is too meagre. He further submits, that the doctor in the instant case have already been examined and the injury and the disability part stands established and thus prayed for the enhancement of the compensation suitably.

4. The counsel for the respondent No.2 however opposing the appeal submits, that it is a case where the present appellant had voluntarily gone along with respondent No.1 who had taken the vehicle of the respondent No.2 without his consent when the accident arose and as such the respondent No.2 is not directly or indirectly connected to the accident.

5. Be that as it may, considering the total facts and circumstances of the case particularly taking into consideration, that the claimant in the instant case has suffered two fracture injuries which has been proved by Dr.A.K.Sahu – AW/3 this court is of the opinion, that ends of justice would meet if the claimant is awarded an additional compensation of Rs.15,000/- in addition to what has already been awarded by the Tribunal. The said enhanced amount shall also carry interest @ 6% per annum from the date of application.

6. The appeal stands allowed and disposed off.

Sumit

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