

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No.1063 of 2009**

Shrawan Kumar Singh S/o Shri Suresh Singh, aged 25 years,
R/o Jagmahan, Tahsil Nawagarh, P.S. Nawagarh, District
Janjgir Champa (CG)

---- Appellant

Versus

1. Rohit Kumar Yadav S/o Bhagwatram Yadav, R/o Bairan Bazar Chowk, Raipur (CG)
2. Kulraj Singh S/o Shri Malkit Singh (Owner of the Vehicle), R/o Mahendra Travels, Pandri, Raipur (CG)
3. Divisional Manager, the Oriental Insurance Company Limited, Branch Kachhari Chowk, Madina Manzil, Raipur, through Divisional Manager, Oriental Insurance Company Limited, Rama Tred Bus Stand Road, 1st Floor, Bilaspur (CG)

---- Respondents

For Appellant	:	Mr.Rajendra Patel, Advocate
For Respondent No.3	:	Mr.Sudhir Bajpai, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/7/2017

1. This is claimant's appeal seeking enhancement of compensation awarded by the Second Additional Motor Accident Claims Tribunal (F.T.C.), Janjgir (hereinafter called as 'the Tribunal') in Claim Case No.21//2009 vide its award dated 23.4.2009 whereby the Tribunal has partly allowed the claim petition and has granted compensation of ₹ 45,000/- along with interest @ 6% per annum from the date of filing of claim petition till realisation.
2. Learned counsel appearing for the appellant would submit that the claimant has suffered 40% permanent disability in his left leg and the Tribunal has only awarded ₹ 45,000/- as compensation and as such, compensation awarded to him is

shockingly on lower side and it may be enhanced suitably.

3. On the other hand, learned counsel for respondent No.3 would submit that compensation awarded to the appellant is just and proper and no interference is called for.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. It is not in dispute that the the appellant has suffered 40% disability. Looking to the permanent disability suffered by the appellant and amputation of three fingers of left toe, appropriate amount would be Rs.1,00,000/- for injury, ₹ 50,000/- for loss of earning, ₹ 40,000/- for mental agony and ₹ 10,000/- in others heads i.e. total Rs.2,00,000/-.
6. For the foregoing reasons, the appeal filed by the claimant for enhancement of compensation is allowed in part. The total compensation of ₹ 45,000/- awarded by the Tribunal is enhanced to ₹ 2,00,000/-. The claimant is further entitled to receive ₹ 1,55,000/- over and above the amount awarded by the Tribunal. Enhanced amount of ₹ 1,55,000/- shall carry interest @ 6% per annum from the date of filing of claim petition till realisation.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-