

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1060 of 2017**

Daya Ram Sahu S/o late Ramhu Sahu, aged about 55 years, R/o Village and Post Nipani, Police Station, Tahsil and District Balod (Chhattisgarh)....(Claimant).

---- Appellant**Versus**

1. Gopi Ram Sahu S/o Bedvyas Sahu, aged about 32 years, R/o Dhabadih, Tahsil and P. S. Gunderdehi, District Balod (Chhattisgarh).....(Driver & Owner).
2. The Oriental Insurance Company Limited, through the Divisional Manager, Division Office Rajendra Park Chowk, Durg, District Durg (Chhattisgarh).....(Insurer).

---- Respondents

For Appellant	:	Shri Praveen K. Dhurandhar, Advocate
For Respondent no.2	:	Shri Raj Awasthi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19/09/2017**

Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the claimant seeking for enhancement of the compensation. The challenge is to the award dated 15.02.2017 passed by the Motor Accident Claims Tribunal, Balod (CG) in Claim Case No. 97 of 2015. Vide the impugned award the Tribunal has granted a compensation of Rs. 2,87,000/- with interest @ 8% per annum from the date of application.

2. Counsel for the appellant assailing the award submits that the compensation assessed by the Tribunal as regards the earning capacity is on the lower side. He further submits that the compensation awarded for pain and suffering is on the lower side. According to the counsel for the appellant,

the appellant had suffered grievous injuries and a complicated fracture for which he had to be treated at five different hospitals and was hospitalized for a considerable period of time. During all these periods, the appellant has undergone severe pain and suffering and also suffered loss of income. He further submits that the loss of income assessed by the Tribunal as Rs. 1,000/- per month is also on the lower side and the same deserves to be enhanced.

3. Counsel for the Insurance Company, however, opposing the appeal submits that the treating doctor in the instant case has not been examined and that it is only the doctor who has issued the certificate of disability has been examined, therefore, the award passed by the Tribunal is just and reasonable and does not warrant any interference.

4. Considering the entire facts and circumstances of the case particularly the nature of injuries and the treatment undertaken by the appellant at different hospitals and also considering the deposition of the doctor from the District Medical Board who has issued the certificate i.e. Exhibit P-8, this Court is of the opinion that ends of justice would meet if the appellant is granted a lump sum amount of Rs.75,000/- in addition to what has already been awarded. Accordingly, it is ordered that the appellant shall be entitled for receiving an additional compensation of Rs.75,000/- in addition to Rs.2,87,000/- as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal.

5. The appeal thus stands allowed.

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