

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1479 of 2017

Bhushan Lal Sahu S/o Chablu Ram Sahu, Aged About 49 Years R/o Abadi Para, Palari P.S. & Tahsil Gurur, District Balod, Chhattisgarh(Claimant)

---- Appellant

Versus

1. Mohammad Shahid @ Baba Khan S/o Mohammad Jalauddin Khan, Aged About 29 Years Ward No.8, Adhari Nawagaon, P.S. Tahsil & District Dhamtari, Chhattisgarh(Driver)
2. Tata A.I.G. General Insurance Company Limited, Through Claim Manager, 403, 4th Floor D.B.City Corporate Park Rajbandha Maidan Raipur, District Raipur, Chhattisgarh(Insurer)

---Respondents

For Appellant	:	Mr. Utsav Mahishwar, Advocate under instructions of Mr. P.R. Patankar, Advocate
For Insurance Company	:	Mr. Ghanshyam Patel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/12/2017

1. Present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act challenging the award dated 28.08.2017, passed by the Motor Accident Claims Tribunal, Balod, Chhattisgarh, in Claim Case No. 35/2016. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.1,63,828.39 as compensation.
2. The counsel for the appellant submits that taking into consideration the nature of injury and the condition of the Claimant, the amount of compensation deserves for suitable enhancement as the compensation awarded is on the lower side.
3. The counsel for the Insurance Company however opposes the appeal submits that the amount of compensation awarded is just and

reasonable and it does not warrant any interference and prayed for the rejection of the appeal.

4. Having heard the contentions put forth on either side and on perusal of record and also considering the facts and circumstances of the case, particularly the date of accident, nature of injury sustained, this Court is of the opinion that ends of justice would meet if an additional compensation of Rs.30,000/- is awarded to the Claimant in addition to what has already been awarded. Accordingly, it is ordered that the Claimant shall be entitled for an additional compensation of Rs.30,000/- in addition to what has already been awarded by the Tribunal making the total compensation payable at Rs.1,93,828.39.
5. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
6. The appeal stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved