

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 931 of 2014

Sahista Parveen W/o Shri Mohammad Asif, aged about 38 years, R/o near Sai Mandir School, Kasaridih, Durg, P.S. Durg, Tah. and Distt. Durg C.G.

---- Appellant

Versus

1. Beer Singh Yadav S/o Shri Gokul Yadav, aged about 26 years, R/o Pachripara, Anand Chowk, P.S. Durg, Tah. and Distt. Durg C.G. ...Driver of the vehicle
2. Shivnarayan Yadav S/o Shri Guharam Yadav, R/o Pathriyapara, Junwani near beside Gainda Nala, P.S. Supela, Tah. and Distt. Durg, C.G.
3. I.C.I.C.I. Lombard General Insurance Company Limited through Claim Manager, Station Road, above State Bank, Deshlahra Complex, near Tarun Talkies, Durg, Tah. and Distt. Durg C.G.

---- Respondents

For Appellant	:	Shri P. R. Patankar, Advocate.
For Respondent no.3	:	Shri Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/10/2017

Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 18.07.2014 passed by the 2nd Additional Motor Accident Claims Tribunal, Durg (CG) in Motor Accident Claim Case No. 87 of 2014. Vide the impugned award the Tribunal in a claim case under Section 166 of the MV Act has awarded compensation of Rs.28,800/- with interest @ 6% per annum from the date of application.

2. Contention of the counsel for the appellant is that the compensation awarded by the Tribunal is on the lower side and the same deserves to be suitable enhancement considering the gravity of injury sustained by the appellant. Counsel for the appellant referred to paragraphs 12 of the impugned award which deals with the deposition of AW-2 Dr. V. S. Patel who has stated that the injured

had suffered fracture of Tibia bone of left leg and that the injury required operation with the aid of an interlocking head. He submits that During all this period the appellant had undergone substantial mental agony, pain and suffering and therefore, the amount of compensation deserves to be enhanced suitably.

3. Counsel appearing for the Insurance Companies, however, opposing the appeal submits that considering the total facts and circumstances of the case the Tribunal has granted sufficient compensation and the amount being just and reasonable, it does not require any further enhancement.

4. Having considered the rival contentions put forth on either side and taking into account the entire factual matrix of the case particularly the deposition of doctor AW-2 and also considering the gravity of the injury sustained by the appellant, this Court is of the opinion that ends of justice would meet if an additional lump sum compensation of Rs.21,200/- is awarded to the claimant in addition to what has already been awarded by the Tribunal making the total compensation payable to the claimant at Rs.50,000/- in stead of Rs.28,800/- as awarded by the Tribunal. It is ordered accordingly. The claimant shall also be entitled for interest on the enhanced amount at the same rate as awarded by the Tribunal.

5. The appeal thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge