

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1313 of 2017**

Mohammad Mustafa S/o Mohammad Anis Ansari, aged about 27 years, at present R/o E.W.S. Housing Board Bhilai, District Durg Chhattisgarh.....
(Claimant) **---- Appellant**

Versus

1. Govinda Lodhi S/o Shankar Lodhi, aged about 49 years, R/o House No. 52 - K, behind Matan Market, Laxmi Nagar Supela, Police Station Supela, Bhilai, District Durg Chhattisgarh (Driver of offending vehicle Trailer Number C G - 07, C - 0150),
2. Gopal Singh S/o Bishan Singh, R/o M I G - 30, Vaishali Nagar, Bhilai, District Durg Chhattisgarh. (Owner of offending vehicle Trailer Number C G - 07, C - 0150),
3. United India Insurance Company Limited, Tara Complex, Power House, G. E. Road Bhilai, District Durg Chhattisgarh (Insurer Of Offending Vehicle Trailer Number C G - 07, C - 0150),

---- Respondents

For Appellant	:	Shri Syed Majid Ali, Advocate
For Respondent no. 3	:	Shri Raj Awasthi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/09/2017**

Present is an appeal under Section 173 of the Motor Vehicles Act seeking for enhancement of the compensation awarded by the 1st Additional Motor Accident Claims Tribunal, Durg (CG) in Claim Case No.05/2013 vide order dated 30.06.2017 whereby the Tribunal has in a proceeding under Section 166 of the MV Act awarded a compensation of Rs.2,34,704/- with interest @ 6% per annum.

2. Counsel for the appellant assailing the impugned award submits that the Tribunal has not properly assessed the income of the appellant while quantifying the compensation, so also the compensation paid under the other heads has not

been properly quantified. The said award thus needs suitable modification by enhancing the compensation awarded.

3. Counsel appearing for the Insurance Company opposing the appeal submits that the impugned award does not warrant any interference as the finding arrived at by the Tribunal is based on the evidences which have come on record and the compensation awarded also is just and reasonable. Contention of the counsel for the Insurance Company is that the disablement suffered by the appellant has been assessed by the doctor as 13% and the Tribunal has assessed the loss of income towards future prospects as 10% which as it is on the higher side and the award therefore does not warrant any interference.

4. Be that as it may, considering the submissions put forth on either side and on perusal of the record would show that the claimant in the instant case suffered injury of fracture of left femur bone and Dr Akhilesh Yadav AW-2 was also examined who has deposed in respect of the injury and the disability suffered by the claimant. Undisputedly, the claimant must have suffered a great amount of pain during the course of treatment also.

5. Considering the facts and circumstances of the case, this Court is of the opinion that a lump sum compensation of Rs.40,000/- in addition to what has been awarded by the Tribunal would meet the ends of justice. It is ordered accordingly that the claimant shall be entitled for a total compensation of Rs.2,74,704/- instead of Rs.2,34,704/- as awarded by the Tribunal. The enhanced compensation of Rs.40,000/- shall also carry interest at the same rate as fixed by the Tribunal in the award.

6. The appeal thus stands allowed.

Sd/-

(P. Sam Koshy)
JUDGE