

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 118 OF 2011

Chandra Kumar Kosre, S/o Khorbahra Kosre, aged about 32 years, R/o Village Khapri, Tahsil Kurud, District Dhamtari (C.G.)

... Appellant

versus

1. Gendlal, S/o Dashrath Ram Sahu, aged about 29 years, R/o Village Arkaar, Police Station Gurur, District Durg (C.G.)
2. Roman Lal, S/o Latelram Sahu, aged about 80 years, R/o Village Arkaar, Police Station Gurur, District Durg (C.G.)
3. The National Insurance Company Limited, through Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur, District Raipur (C.G.)

... Respondents

For Appellant	:	Mr. R.K. Pali, Advocate, under instructions of Mr. P.P. Sahu, Advocate.
For Respondent No.3	:	Mr. Kapil Maini, Advocate, under instructions of Mr. Goutam Khetrapal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2017

1. The present is a claimant's appeal under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the Chief Motor Accident Claims Tribunal, Dhamtari, vide award dated 3.5.2010 passed in Claim Case No.37/2009.
2. Vide the impugned award, the learned Tribunal, in an injury case, under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.47,500/- in favour of the injured claimant with interest thereon at the rate of 6% per annum from the date of presentation of his claim application.
3. The challenge is to the quantum of compensation awarded and the contention of the learned counsel for the appellant-claimant is that the appellant had received two fractures, one on the right leg and the other on the finger of the right hand, and the nature of fracture on his leg was grievous in nature as he had to be operated upon for the fracture, in addition he was hospitalized for a period of 12 days and thus the amount

of compensation awarded is on the lower side. He further contended that the claim of the injured claimant also has been supported by the statement of Dr. Amit Agrawal (AW-3) who has stated of the claimant being suffering from the disability to the extent of 55%. He thus prayed for the enhancement of the compensation awarded.

4. Learned counsel for respondent no.3-insurance company however opposing the appeal submits that the award as it is seems to be just and reasonable considering the nature of injuries sustained and the nature of work undertaken by the claimant and thus prayed for the rejection of the appeal.

5. Having considered the contentions put forth on either side and on perusal of record, undisputedly, the accident and the resultant injuries sustained to the claimant is not in dispute. The claimant having undergone treatment at Dhamtari Christian Hospital also is not in dispute. AW-3 Dr. Amit Agrawal has deposed of the the claimant having been operated and being hospitalized from 18.1.2009 to 30.1.2009 for a period of about 12 days also stands unrebutted.

6. In view of the entire facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the claimant is awarded an additional lump sum compensation of Rs.27,500/-, in addition to Rs.47,500/- which has been awarded by the learned Tribunal, making the total compensation payable to the claimant at Rs.75,000/-.

7. It is accordingly ordered that the appellant-claimant shall be entitled for an additional compensation of Rs.27,500/- with interest thereon at the same rate as has been assessed by the learned Tribunal.

8. The appeal stands allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge