

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.854 of 2010**

Ku.Gayatri Sonkar D/o Radhe Sonkar, aged 3 years, through natural guardian D/o Radhe Sonkar, D/o Phiranta Sonkar, R/o Mahamaya Para, Ward No.15, Simga, District Raipur (C.G.).

---Appellant

Versus

1. Dinu @ Dinesh Patkar S/o Holuram Patkar, R/o Shankar Nagar, Simga, District Raipur (C.G.).
2. Smt.Pushpadevi Verma W/o Shri R.P.Verma, R/o Forest Colony, Near Tahsil Office, Bilaspur Road, Simga, District Raipur (C.G.).
3. National Insurance, National Insurance Building (first floor) India Exchange Place Kolkata 700001, through National Insurance in front of Rajbandha, Raipur.

---Respondents

For appellant	:	None.
For respondent No.3/Insurance Company	:	Shri B.N.Nande, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

02/11/2017

1. None for the appellant.
2. Present is an appeal by the claimant under Section 173 of the Motor Vehicle Act assailing the award dated 05/03/2010 passed by the Additional Motor Accidents Claims Tribunal, Bhatapara in Motor Accident Claim Case No.14/2009.
3. Vide the said impugned award, the Tribunal in an injury Case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.15,000/- with interest @ 9% per annum from the date of application.
4. Since there was no representation on behalf of the claimant, this court proceeds to decide the appeal on its merits based on the records considering the fact, that it is an appeal of the year 2010.
5. On perusal of the record what is reflected is that, the injured in the instant case was a 3 years old child namely Gayatri who as a result of the accident suffered grievous injuries on her left leg. Perusal of the record also show, that

during the course of the proceedings before the Trial Court, the doctor has not been examined and that the disability certificate has also not been brought on record to establish the permanent disability on part of the injured – Gayatri. However, perusal of the record would show, that there are sufficient documents available to show the proof of the accident that took place and the resulting injuries to the minor suffered and the treatment that she had undergone.

6. In the given facts and circumstances of the case this court is of the opinion, that ends of justice would meet if the amount of compensation is enhanced by an additional amount of Rs.50,000/- in addition to what has already been awarded by the Tribunal.

7. Thus the claimant shall be entitled for the total compensation of Rs.65,000/- instead of Rs.15,000/- as awarded by the Tribunal. The said amount shall also carry interest at the same rate as has been awarded by the Tribunal.

8. The appeal stands allowed and disposed off.

9. The registry is directed to ensure, that a copy of this judgment is sent to the District Legal Services Authority, District Balodabazaar, Bhatapara with a direction, that the Secretary should ensure the service of the order passed by this court to the claimant on the address shown in the cause title.

Sumit

Sd/-
(P. Sam Koshy)
Judge