

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 955 of 2010**

Aditya Vikram Dwivedi @ Aditya Dwivedi S/o Shri Hari Ram Dwivedi,
aged about 20 years, R/o Gurukripa Bhawana Nagar, Khamhardih,
Raipur, Tahsil and Distt.-Raipur (CG)

---- Appellant**Versus**

1. Kailash Kumar Sahu S/o Doctor Sahu, aged about 40 years, R/o Sanjay Nagar, Thana Tikrapara, Tahsil & District Raipur (CG)
2. J. Shankar S/o J. Shyam Sundar, R/o 2/245, Bairan Bazar, Raipur, Tahsil and Distt.-Raipur (CG)
3. New India Assurance Company Limited, through Divisional Manager, Divisional Office Madina Building, Jail Road, Kutchery Chowk, Raipur (CG)

---- Respondents

For Appellant	:	Shri S. S. Rajput, Advocate
For Respondent No.3	:	Shri Dashrath Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/09/2017**

Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act seeking for enhancement of the compensation awarded in Claim Case No.70/2009 dated 23.06.2010 passed by the 9th Additional Motor Accident Claims Tribunal, Raipur (CG). Vide the impugned award, the Tribunal has awarded a compensation of Rs.56,643/- with interest @ 7.5% per annum.

2. Contention of the counsel for the appellant is that the Tribunal has not granted any compensation for the disability which has caused. He submits that the compensation awarded towards pain and suffering as also for engagement of an attendant is on the lower side and that no amount of compensation has

been awarded for special diet or nutritious food. Thus, prayed for modification of the impugned award enhancing the compensation suitably.

3. A perusal of the record would show that the only injury which the injured had sustained was a fracture of his right leg. However, the disability part could not be properly established in as much as the disability certificate has not been issued by a doctor from the District Medical Board authorized to issue disability certificate. In addition, the finding of the Tribunal as regards the injury also does not appear to be that of any permanent disability or deformity.

4. Considering the total facts and circumstances of the case and on perusal of the record, this Court is of the opinion that ends of justice would meet if the appeal is allowed to the extent that the appellant would be entitled for an additional amount of Rs.25,000/- in addition to what has already been awarded by the Tribunal. Thus, the impugned award stands modified to the extent that the appellant shall be entitled for a total compensation of Rs.81,643 in stead of Rs.56,643 as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal from the date of application.

5. The appeal thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE