

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 461 of 2015**

Smt. Radha Sahu W/o Shri Manmohan Sahu Aged About 40 Years
R/o Village - Koliyari, Post- Bhakhara, Thana & Tahsil Kurud, Civil &
Revenue District Dhamtari Chhattisgarh

---- Appellant**Versus**

1. Ambalal And Ors. S/o Shri Bitthaladas Tanna Aged About 45 Years
R/o Baniyapara Dhamtari, P.S. & Tahsil Dhamatri, Civil & Revenue
Distt. Dhamtari Chhattisgarh
2. Rahul Shubham Verma S/o Shri R.K. Verma Aged About 52 Years
R/o 04 I.G. 01/2201 MPHVI/ E. Bhilai, P.S. Bhilai, Tahsil- Durg, Civil
And Revenue Distt. Durg Chhattisgarh
3. Manager, Oriental Insurance Company Limited, Behind Amar
Talkies, Old Bus Stand Dhamtari Civil & Revenue Distt. Dhamtari
Chhattisgarh

----Respondents

For Appellant	:	Mr. Sumit Shrivastava, Advocate
For Insurance Company	:	Mr. Deepak Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/10/2017**

1. The present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 24.03.2015, passed by the Additional Motor Accident Claims Tribunal (FTC), Dhamtari, Chhattisgarh, in Claim Case No. 64/2013.
2. Vide the impugned award, the Tribunal has awarded a compensation of Rs.28,324/- with interest @ 6% per annum from the date of application.
3. The counsel for the appellant submits that the compensation awarded is on the lower side in as much as only Rs.5,000/- has been

paid as compensation. The rest of the amount is the expenses incurred during the treatment and prayed for the amount of compensation to be suitably enhanced.

4. The counsel for the Insurance Company however opposing the appeal submits that the award passed by the Tribunal is just and reasonable and based on the evidence which have come on record and therefore there is no scope for interference and therefore the appeal deserves to be rejected.
5. He further submits that the treating Doctor has not been examined and the permanent disability part has also not proved before the Tribunal.
6. Having heard the contentions put forth on either side and on perusal of the record, undisputedly the accident did take place where the Claimant also received certain injuries, though there may not have been permanent disability or might not have been proved before the Tribunal, but so far as the injuries sustained, it is undisputed as the Tribunal itself has allowed the entire claim pertaining to the medical expenses incurred.
7. Considering the total 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 amount of compensation of Rs.22,000/- in addition to what has already been awarded, which would make the total compensation at Rs.50,324/-. Accordingly, the Claimant shall be entitled for an additional amount of Rs.22,000/- towards

compensation.

8. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
9. Accordingly, the appeal stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved