

HIGH COURT of CHHATTISGARH, BILASPUR
MAC No. 1164 of 2010

1. Salikram Rajput S/o Jethuram, aged about 42 years, R/o Mannadol, Tifra, PS Civil Lines, District Bilaspur (CG).

-----Appellant

Versus

1. Balisatar Yadav S/o Adalat Yadav, aged about 36 years, R/o Yadunandan Nagar, Bilaspur (CG).
2. M/s Kolman Pro. Rajkumar Kediya, R/o Shiv Mandir Vidya Nagar, P.S. Civil Line, District Bilaspur.
3. I.C.I.C.I. Lombard General Insurance Co. Ltd. Through The Branch Manager, Lalganga Complex Shyam Talkies Road, Raipur.

-----Respondents

For Appellant	:	Shri Avinash Sahu, Advocate.
For respondent No.3	:	Shri P. Acharya, under instructions of Shri Amrito Das, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy
Judgment On Board

03.11.2017.

1. The present is an appeal filed by the claimant seeking enhancement of compensation under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 08.09.2010 passed by the 1st Additional Motor Accident Claims Tribunal, Bilaspur (for short, the Tribunal) in Claim Case No.55 of 2009. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act in an injury case has awarded a compensation of Rs.98,417/- to the claimant.
2. According to appellant, the appellant in the instant case had received injuries on his right leg inasmuch as there was a fracture on tibia bone and steel rods were installed and as a result of the injury he had developed foot drop and stiffness in his ankle and moderate disability

assessed was to the extent of 50 percent. The medical board has issued disability certificate Ex. A-41. AW-3, Dr. SS Bhatia was also examined and considering the injuries sustained he opined that the injured would have to undergo a couple of operations for the treatment and if not, the disability would be life time attached to him and thus prayed that the amount of compensation to be suitably enhanced.

3. Learned counsel for the insurance company submits that the Tribunal has awarded just and proper compensation and there is no scope of interference as the Tribunal has considered all factors required while granting compensation.
4. Having heard the rival contentions put forth on either side and on perusal of records particularly considering the nature of injuries and its gravity as is reflected from the deposition of AW-3, this court is of the opinion that so far as enhancement of compensation is concerned, ends of justice would meet if the claimant is awarded an additional lump sum compensation of Rs.1,50,000/- in addition to what has already been awarded by the Tribunal.
5. It is ordered accordingly that the claimant shall be entitled for an additional amount of compensation of Rs.1,50,000/-. Thus, the total compensation payable to the claimant would become Rs.2,48,417/- instead of Rs.98,417/-.
6. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
7. The appeal thus stands allowed and disposed off.

Sd/-

(P.Sam Koshy)
Judge