

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 1216 of 2010**

Hori Lal S/o Bhawar Singh Aged About 50 Years, Dhimar by caste,
R/o Village Vinayakpur, Thana-Anda, Distt. Durg, Chhattisgarh.

---- Appellant**Versus**

1. Santosh Kumar Sahu S/o Moti Ram Sahu Aged About 30 Years R/o Mil Para (Dipara), Tehsil & Distt. Durg Chhattisgarh
2. Branch Manager The Oriental Insurance Company Ltd. Durg, (Insurer Of Mini Bus No. C.G. 07 /e/a/0137, Policy No. 2007/1157, Valid From 28-04-2006 Up To 27.04.2007)
3. Murha Ram S/o Chait Ram Gond , aged about 31 years, R/o Vill. Faras Gaon, Thana Faras Gaon, Distt.-Jagdalpur (CG).
4. Md. Isrial S/o Lt. Abdul Huk R/o Nayapara, Jagdalpur, Distt.-Jagdalpur (CG).
5. Branch Manger The Oriental Insurance Com. Ltd. Sadar Bazar Jagdalpur, C.G.(Insurer Of Truk No. C.G. /07/z/c/0112, Policy No. 15360/2006/442).

---- Respondents

For Appellant	:	Shri Uttam Pandey, Advocate.
For Respondent No.2	:	Shri DL Dewangan, Advocate.
For Respondent No.5	:	Shri Keshav Dewangan, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.11.2017**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimant seeking enhancement of compensation against the award dated 20.07.2010 passed by the 8th Additional Motor Accident Claims Tribunal (FTC) Durg (in short, the Tribunal) in Claim Case No.75/2017. Vide the said impugned award, the Tribunal in a claim application under Section 166 of MV Act in an injury case has awarded a compensation of Rs.90,000/- along with interest @ 6 percent per annum from the date of application.
2. Learned counsel for the appellant submits that by virtue of the said

accident and the treatment which was incurred, the appellant had to be operated upon and because of the injuries, one of the Kidney of the claimant had to be removed and he is surviving with only one Kidney. He submits that the Tribunal has not considered this aspect of losing one Kidney of the claimant and thus, prayed for suitable enhancement of compensation.

3. On the other hand, learned counsel for the respondents opposing the appeal submits that the Tribunal has awarded just and proper compensation taking into consideration the evidence which have come on record, and thus prayed for rejection of the appeal.
4. The undisputed facts are the accident, the resultant injury and the vehicles involved in the accident. It is also undisputed that the vehicles involved in the accident was duly insured with the respondents No.2&5. It is also not in dispute that the claimant was hospitalized at Sector-9 Hospital at Bhilai where he had to be operated and one Kidney of the complainant was removed due to accidental injury.
5. Considering the nature of injuries which has been sustained by the appellant-claimant and also suffering and precautions that he would have to face all through his life, this court is of the opinion that ends of justice would meet if an additional lump sum compensation of Rs.1,50,000/-is awarded to the claimant in addition to what has already been awarded. It is ordered accordingly.
6. Thus, the total compensation payable to the claimant would become Rs.2,40,000/- instead of Rs.90,000/- as awarded by the Tribunal. The

above enhanced amount shall also carry the same interest as has been awarded by the Tribunal. Rest of the conditions mentioned in the award shall remain intact.

7. The appeal thus stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder