

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1252 of 2010**

Mohan Kumar Agrawal S/o Shri Shyamsunder Agrawal, R/o in front of
Shriram Mandir, Thana/ Tehsil- Sakti, District Janjgir, Champa (CG)

---- Appellant**Versus**

1. Deenbandhu Ram Patel @ Bandhuraam Patel S/o Kaushal Prasad Patel,
present address R/o village Sakreli Kala, Post Sakti, Thana & Tehsil Sakti,
District Janjgir Champa (CG) (driver of the offending vehicle)
2. Sunil Kumar Bajpai S/o Devendra Pratap Bajpai R/o Budhwari Bazar,
village/Thana/ Tehsil- Sakti, District Janjgir Champa (CG), Present
address – R/o C/o Jai Balaji Trading Company, Tatibandh, Kabir Nagar,
Phess-1, Qr. No. MDD-106 (owner of the offending vehicle)
3. Royal Sunderam Aliance Insurance Co. Ltd. Branch Raipur, Devendra
Nagar Road, in Commercial Bhawan, Second Floor 203, Post/Tehsil –
Raipur, District Raipur (CG) Pin 492009 (Insurer of the offending vehicle)

---- Respondents

For Appellant	:	Shri Deepak Ku. Singh, Advocate
For Respondent No.2	:	Shri Sushil Sahu, Advocate
For Respondents 1 & 3	:	None

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/11/2017**

Present is a claimant's appeal under Section 173 of the Motor Vehicles Act assailing the award dated 06.09.2010 passed by the Additional Motor Accident Claims Tribunal, Sakti, District Janjgir-Champa (CG) in Claim Case No. 25/2009. Vide the impugned award the Tribunal in an injury case under Section 166 of MV Act has awarded a compensation of Rs.16,000/- with interest at the rate of 7% per annum from the date of application.

2. Counsel for the appellant submits that the claimant in the instant case had received grievous injuries and that there were 17-18 stitches put above his left knee and the treatment went on for a considerable period of time. Therefore, the amount awarded by the Tribunal should have been much more than what has been awarded.

3. Counsel appearing for respondent no.2 submits that it is a case where the doctor has not been examined, therefore, the compensation awarded by the Tribunal seems to be fair and reasonable and the same does not warrant any interference.

4. Taking into consideration the entire facts and circumstances of the case when the accident is admitted and the resultant injury is also not in dispute, the nature of injury which forced the claimant to remain under treatment for a considerable period of time, he must have undergone severe pain and sufferings on account of the said injury. This Court thus is of the opinion that ends of justice would meet if the appellant is awarded an additional compensation of Rs.9,000/- in addition to Rs.16,000/- which has already been awarded by the Tribunal to make the total compensation payable to the claimant at Rs.25,000/-. It is ordered accordingly. The enhanced amount of compensation shall also carry interest at the same rate as has been fixed by the Tribunal.

5. The appeal thus stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE