

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1391 of 2008**

Smt. Meena Bai wife of Shri Parasram Gadariya, aged about 35 years, R/o
Lidari Takhatpur, District Bilaspur (CG)

---- Appellant**Versus**

1. Naresh Kumar S/o Ram Nihal Sahu, aged about 31 years, R/o Subhash Nagar, Takhatpur, District Bilaspur (CG)
2. Niranjana Singh S/o Keshar Singh, R/o Sadar Road, Takhatpur, District Bilaspur (CG)
3. The Oriental Insurance Company through Branch Manager, Branch Office Opposite Rajeev Plaza, Bilaspur (CG)

---- Respondents

For Appellant	:	Shri Keshav Dewangan, Advocate
For Respondent No.3	:	Shri R. N. Pusty, 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.80/2007 by the Additional Motor Accident Claims Tribunal and Additional District Judge, Bilaspur (CG) dated 27.04.2007. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.27,500/- with interest @ 7% per annum from the date of application.

2. Counsel for the appellant submits that the compensation awarded by the Tribunal is too meager an amount considering the injury which has been caused to the appellant-claimant. Thus, prayed for enhancement of the compensation suitably.

3. Counsel for the Insurance Company, however, opposing the appeal submits that the award is just and reasonable based on the evidence which has come on record and the same does not warrant any interference.

4. Having considered the contentions put forth on either side and on perusal of the record, particularly, the nature of evidence pertaining to the injury sustained, this Court is of the opinion that the appellant has not been able to establish any grievous injury to have been sustained by him. The only injury which appears to be serious was a fracture on the leg and all other injuries were simple in nature.

5. Considering the total facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the appeal is allowed to the extent that the appellant is entitled for an additional lump sum compensation of Rs.25,000/- in addition to what has already been awarded. It is ordered accordingly. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal.

6. The appeal thus stands allowed.

Sd/-

(P. Sam Koshy)
JUDGE