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HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 811 of 2013

Dhawal Baghel S/o late Ajay Baghel, aged about 21 years, R/o House No. 59, Gol Chowk, behind Sahnai Garden, Rohinipuram, P.S. D.D. Nagar, Raipur, Tah. and Distt. Raipur, C.G.

---- Appellant

Versus

1. Rasil Singh S/o Singara Singh, Occupation Truck Driver, R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. and Distt. Raipur, C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh, Occupation Truck owner, R/o C.G.R. Transport, Ring Road No. 1, Tatibandh, P.S. Amanaka, Raipur, Tah. and Distt. Raipur C.G.
3. I.C.I.C.I. Lombard General Insurance Company Ltd. through Branch Manager, Branch Office, Lal Ganga Shopping Mall, G.E. Road, Raipur, Distt. Raipur, C.G.
4. Mukesh Kumar S/o Umend Ram, aged about 21 years, R/o Village & Post-Nawagaon, Tah. Dongargarh, Distt. Rajnandgaon C.G.
5. Mohammad Vakil Ahmad S/o Mohammad Nawab Ahmad R/o 5/1, Ispat Nagar, Risali Sector Bhilai, Distt. Durg, C.G.
6. The National Insurance Company Ltd. through Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri Pawan Kesharwani, Advocate.
For Respondent no.3	:	Shri Sourabh Sharma, Advocate.
For Respondent no.6	:	Shri Anand Ku. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2017

Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the claimant assailing the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 13 of 2013. Vide the impugned award the Claims Tribunal on an application under Section 166 of the MV Act preferred by the claimant has awarded compensation of Rs.70,000/- with interest @ 6% per annum from the date of application. Out of the said amount, Rs.60,000/- was towards medical expenses and Rs.10,000/- was granted for pain and suffering.

2. Counsel for the appellant submits that considering the nature of injuries sustained by the appellant, the amount of compensation awarded is on the lower side. He further submits that the left hand humerus bone was fractured and there were also other injuries on the other parts of his body, therefore, the amount of compensation awarded by the Tribunal being on the lower side deserves to be enhanced.

3. Counsel appearing for the respondent Insurance Companies, however, opposing the appeal submit that the finding of the Tribunal is fair, just and reasonable based upon the evidences which have come on record, therefore, the impugned award does not warrant any interference.

4. Considering the total facts and circumstances of the case particularly the nature of injury sustained and the fact that the doctor had also been examined coupled with the fact that the Tribunal itself has accepted the cost of treatment to be Rs.60,000/- which shows that there were sufficient injuries sustained by the appellant for which he must have suffered a great element of pain and suffering and also undergone mental agony, this Court is of the opinion that ends of justice would meet if the amount of compensation awarded by the Tribunal is enhanced by another Rs.30,000/- making the total compensation to be Rs.1,00,000/-. It is ordered accordingly. Rest of the conditions as imposed by the Tribunal including the interest part shall remain intact.

5. With the aforesaid modification to the impugned award, the appeal stands partly allowed and disposed off.

Sd/-

(P. Sam Koshy)
Judge