

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.A.(C) No. 258 of 2014**

Charan Jit Singh S/o Late Sant Singh Gulati Aged About 47 Years
Income Tax Commissioner, Mumbai, R/o Vasan Gali, Near Police
Station Kotwali, Korba, Distt. Korba C.G.

---- Appellant**Versus**

1. Vikki Singh S/o Madan Singh Aged About 40 Years R/o Qr.No. 175/1, Bhanpuri, Raipur, Distt. Raipur C.G. Owner of Vehicle No. CG04J-4977.
2. Tarsen Jit Singh @ Satte Singh Dhilllo S/o Avtar Singh Sindhi R/o Near Gurudwara, Korba, Distt. Korba C.G. Driver of Vehicle No. CG04J-4977.
3. Shriram General Insurance Company Limited E-8, E.P.I.P. Riko Industries, Sitapur, Jaipur (Rajasthan). Insurer of Vehicle No. CG04J-4977.

---- Respondents

For the Appellant	: Shri Ajay Kumar Chandra, Advocate.
For Respondent No.3	: Shri S.S. Rajput, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**JUDGEMENT****16.08.2017**

1. This appeal has been filed by the claimant for enhancement of the compensation awarded by the Additional Motor Accident Claims Tribunal, Janjgir-Champa in Claim Case No. 30 of 2013.

2. The appellant met with an accident on 25.4.2010 with a vehicle bearing registration No. C.G.04 J-4977 driven by respondent No.2 – Tarsen Jit Singh @ Satte Singh Dhilllo rashly and negligently, resulted in causing injuries to the appellant. On the basis of the injuries suffered and the expenses incurred on the treatment, the claim case has been filed against the respondents who are owner, driver and the insurer of the vehicle

involved in the accident. Learned Claims Tribunal after affording opportunity to the respondents/ non-applicants for presenting their case, decided the claim case by award dated 10.12.2013 and has awarded a compensation of Rs.50,000/- in favour of the appellant.

3. The appellant has prayed in the appeal that the assessment of damages for award of compensation has not been properly done by learned Tribunal below hence, it is prayed that the amount of compensation awarded by the learned Claims Tribunal may be enhanced.

4. Learned counsel for the appellant submits that the learned Claims Tribunal has not taken into account all the expenses that were proved in the statement of the appellant and as such, the compensation assessed is not just and adequate compensation.

5. Learned counsel for respondent No.3 submits that the award of compensation is just and adequate and there is no need for interference or enhancement of the award.

6. In the impugned award, Learned Claims Tribunal has not considered the evidence and the documents exhibited in evidence Ex.NA17, which clearly mentions that a total of Rs.69,285.53 was spent in the treatment of the appellant in Apollo Hospitals, Bilaspur. This exhibited document has not been challenged in any manner by the respondents, hence, it stands proved. On the basis of the same, the appellant is entitled to receive this amount as compensation under the head of expenses for treatment. Taking into account the expenses for pain and suffering, a total amount of Rs.80,000/- would be just and adequate compensation for the appellant. Accordingly, this

appeal is allowed and the compensation awarded to the appellant by the Learned Claims Tribunal is enhanced to Rs.80,000/- which shall be payable by the respondent jointly and severally. The amount, if any, paid by respondent No.3 shall be adjusted in payment of the enhanced compensation. If the enhanced amount of compensation is not paid within a period of 45 days, then interest @ 9% per annum shall also be leviable against respondent No.3.

7. Accordingly, this appeal stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge