

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 391 of 2014**

1. Shishir Banchore (Minor) S/o Anil Banchore, aged about 17 years. Through his father Anil Banchore, aged about 47 years, S/o late Brijlal Banchore, R/o Tatyapara Chowk, Raipur, Tehsil-Raipur, Police Station, DD Nagar, Raipur (CG).

---- Appellant**Versus**

1. Rasil Singh S/o Singara Singh R/o C.G.R. Transport, Ring Road No. 01, Tatibandh, P.S. Amanaka, Raipur, Tah. And Distt. Raipur C.G.
2. Mahinder Singh S/o Sardar Hardayal Singh 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 Co.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 Co.Ltd. Through- Divisional Manager, Divisional Office, Mobin Mahal, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri Pawan Kesharwani, Advocate.
For respondents No.3	:	Shri Sourabh Sharma, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/08/2017**

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act seeking enhancement of compensation against the award dated 09.05.2013 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No.9/2013.
2. The accident, date of accident, the two vehicles involved in the accident and the vehicles being duly insured by the two insurance companies and the appellant sustaining injuries in the said accident

is not in dispute.

3. Learned counsel appearing for the appellant submits that the appellant met with an accident on 23.05.2008 while returning from Panchmadi to Raipur by Tavera Car bearing registration No.CG-07-8269. The said Car (Tavera) was dashed with the standing Truck bearing registration No.CG-04-HA-2577 and as a result of the said accident, the appellant sustained grievous injuries. In addition, on account of the injuries sustained, the appellant had also undergone great mental pain and agony. The appellant sustained fracture on right leg and steel rod/plates were inserted. He submits that the Tribunal after considering the pleading and evidence have granted compensation of Rs.10,000/- only which is extremely on the lower side. Thus, prayed for suitable enhancement of award amount.
4. Counsel appearing for the respondent-insurance company however opposes the appeal and submits that the amount of compensation awarded seems to be just, fair and reasonable and does not call for any interference, and thus, prayed for the rejection of the Appeal.
5. Taking into consideration the facts and circumstances of the case and also considering the age of the claimant as well as the injuries sustained in the said accident and also steel plates were required to be inserted due to fracture on right let, this court is of the opinion that ends of justice would meet if compensation awarded by the Tribunal is enhanced by a lump sum amount of Rs.40,000/-. It is ordered accordingly.
6. Thus, the appeal is allowed in part. The appellant shall be entitled for

an additional amount of Rs.40,000/- as lump sum compensation in addition to what has already been awarded by the Tribunal. The said amount shall also carry interest at the same rate as has been awarded by the Tribunal.

7. The liability of payment shall be in the same proportion as has been decided by the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

inder