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HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal (C) No. 396 of 2014

Ku. Monika Banchore D/o Harshverdhan Banchore, aged about 21 years, R/o Tatyapara Chowk, Raipur, Tah. Raipur, P.S. D.D. Nagar Raipur, Civil and Revenue District 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

Heard on I.A. No.01, application for condonation of delay in filing the appeal.

2. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 23 days in filing the appeal stands condoned.

3. Also head on admission.

4. Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the claimant assailing the award dated 10.12.2013 passed by the 4th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 141 of

2011. 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.35,000/- with interest @ 6% per annum from the date of application.

5. 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 submits that the right wrist and the jaw of the appellant were fractured and there were also other injuries on the other parts of her body, therefore, the amount of compensation awarded by the Tribunal being on the lower side deserves to be enhanced.

6. Counsel appearing for the respondents 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.

7. Considering the facts and circumstances of the case and also taking note of the fact that the appellant has not been able to produce any certificate with regard to her disability neither was the doctor examined to prove the gravity of the injuries sustained. However, taking into consideration the submissions of the appellant wherein she says that her right wrist was fractured and she had also received bodily injuries, this Court is of the opinion that ends of justice would meet if the compensation amount is enhanced by another Rs.15,000/- and it is ordered accordingly.

8. The appellant thus will be entitled for the total compensation of Rs.50,000/- in stead of Rs.35,000/- as awarded by the Tribunal. Rest of the award as has been awarded by the Tribunal shall remain intact. It is directed that the Insurance Companies shall be liable to pay the compensation in the same proportion as has been decided by the Tribunal.

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

Sd/-

(P. Sam Koshy)
Judge