

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 725 of 2013**

Smt. Chitrarekha W/o Sukhdev Aged About 30 Years, occupation Labour,
R/o Girhaul, P.S. Ahiwara, Nandani Nagar, Distt. Durg C.G.

---- Appellant

Versus

1. Ranjan Lal @ Manharan S/o Gopal Yadav Aged About 28 Years R/o Bagdahipara, Nawapara, P.S. Rajim, Distt. Raipur C.G.
2. Ambar Singhai S/o Anil Singhai R/o Near Satyanarayan Mandir, Nawapara, Rajim, P.S. Rajim, Distt. Raipur C.G.
3. The New India Insurance Co. Ltd. Through The Branch Manager, Branch No. 02, Raipur, P.S. Raipur, Distt. Raipur C.G.

---- Respondents

For Appellant	:	Shri Mazid Ali, Advocate.
For respondent No.3	:	Shri Sudhir Agrawal, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy

Judgment On Board

12.10.2017.

1. The present is an appeal under Section 173 of the Motor Vehicles Act (in short, the MV Act) filed by the claimant seeking enhancement of compensation against the award dated 25.02.2013 passed by the Additional Motor Accident Claims Tribunal, Durg (in short, the Tribunal) in Claim Case No.70/2011. Vide the impugned award, the Tribunal in an application filed under Section 166 of the MV Act has awarded a compensation of Rs.42,897- along with interest @ 6 percent per annum from the date of application.
2. Learned counsel appearing for the appellant submits that considering the injuries sustained by the appellant-claimant, the compensation awarded is on lower side and the same deserves to be suitably enhanced.

3. Learned counsel for the respondent-insurance company however opposing the appeal submits that it is a case where the claimant has not led any evidence of treating doctor to prove the disability part though there is a disability certificate produced before the Tribunal and therefore, the appeal deserves to be rejected.
4. Considering the entire facts and circumstances of the case, this court is of the opinion that ends of justice would meet if the compensation awarded by the Tribunal is enhanced by an additional amount of Rs.30,000/- in addition to what has been awarded. It is ordered accordingly.
5. Thus, the appellant-claimant shall now be entitled for a total compensation of Rs.72,897/-, Rounded off Rs.75,000/-, instead of Rs.42,897/- as awarded by the Tribunal. The above enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.
6. The appeal thus is allowed and disposed off.

Sd/-

(P.Sam Koshy)
Judge