

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1260 of 2017**

Magma H. D. I. General Insurance Company Limited Through Branch Manager, V.I.P. Road Raipur, Post, Thana And Tahsil And District Raipur, Chhattisgarh 492001, At Present D.V.Plaza, 5th Floor Rajbandha Maidan, Raipur, Near Navbharat Press, Thana And Tahsil Raipur, District Raipur, Chhattisgarh.

---Appellant**Versus**

1. Shubham Yogi S/o Omprakash Yogi, Aged About 20 Years, Profession Student, R/o Bramh Road, In Front Of Kesharwani Bhawan, Ambikapur, Post, Thana And Tahsil Ambikapur, District Surguja, Chhattisgarh 497001.
2. Kuleshwar Dhruv S/o Sonau Dhruv, Aged About 20 Years, Profession Driver, R/o Bhanpuri, Ganganagar, Thana Khamtarai, Tahsil And District Raipur, Chhattisgarh 492001.
3. Purushottam Sahu S/o Lalji Sahu, Aged About 35 Years, R/o C/o Rambhau Sahu, Near Kirana Store, Ganganagar, Thana Khamtarai Tahsil And District Raipur, Chhattisgarh 492001.

---Respondents

For the appellant/ Insurance Company	:	Shri Rohitashva Singh, Advocate.
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/10/2017**

1. Present is an appeal preferred by the Insurance Company under Section 173 of the Motor Vehicles Act assailing the award dated 19/05/2017 passed by Motor Accident Claims Tribunal, Ambikapur, District Surguja (C.G.) in Motor Accident Claim Case No.216/2016.
2. Vide the said impugned award in an injury case under Section 166 of the Motor Vehicle Act, the Tribunal has awarded the compensation of Rs.21,24,106/- with interest @ 6% per annum from the date of application.
3. The challenge by the Insurance Company to the impugned award is primarily to the amount of Rs.7,00,000/- awarded towards disfigurement of the claimant as is reflected from paragraph 32 of the impugned award.

4. According to the counsel for the appellant/Insurance Company, since the claimant has already been awarded for mental agony, pain and suffering, future treatment etc., the compensation of Rs.7,00,000/- towards disfigurement is highly exorbitant and without any basis since, there was no evidence in this regard.

5. Having gone through the impugned award what is reflected is that, the claimant in the instant case was a 20 years old young boy who was a student met with an accident on 25/10/2015 as a result of which the claimant received multiple grievance injuries.

6. Plain reading of the paragraphs 17 & 18 of the impugned award would show, that there was a major disfigurement on his face which was seen by the Tribunal during the course of the evidence.

7. If we consider the case of a 20 years old young boy getting his face disfigured, one can understand the amount of mental agony and stress that he would undergo with the disfigured face all through his life when he moves in the society. Such agony is not measurable for the purpose of quantifying the compensation and in view of the same, if the Tribunal by taking the entire factual matrix of the case awards a lump sum compensation of Rs.7,00,000/- for the disfigurement, it could not be said to be either exorbitant or bad in law for the reason, that a young boy aged around 20 years has his whole life ahead of him and which he would have to live with his disfigured face and therefore the said order does not warrant any interference.

8. The second ground which the counsel for the Insurance Company has raised is that, the driver of the offending vehicle did not have proper endorsement on his license permitting him to drive the transport vehicle. This issue stands squarely covered by the recent decision of the Hon'ble Supreme Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Company Limited [AIR 2017 SC 3668]***.

9. In the light of aforesaid factual matrix this court is of the opinion, that no strong case has been made out calling for interference with the impugned award and the appeal thus being devoid of merits deserves to be and is accordingly dismissed.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**