

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 146 of 2018

Chukendra Kumar Sahu S/o Shri Kunjilal Sahu, aged about 22 years,
R/o Mohandi Thana, Abhannpur, District Raipur (C.G.).

---Appellant

Versus

1. Dagesh Kumar Sahu S/o Toran Lal Sahu, aged about 24 years.
2. Vakesh Kumar Sahu S/o Bhaiyaram Sahu, aged about 35 years.
Both are R/o Kachana Thana, Kurud, District Dhamtari (C.G.).
3. The Oriental Insurance Company Limited, through Branch Manager, Raipur. The Oriental Insurance Company Limited Address – Kachehari Chowk, Jel Road, Raipur, District Raipur (C.G.).
4. Dhaneshwar @ Dhannu Sen S/o Late Kunjram Sen, aged about 40 years, R/o Mohandi Thana, Abhannpur, District Raipur (C.G.).
5. Ifko Tokyo General Insurance Company Limited, Through Divisional Officer, Ifko Tokyo General Insurance Co.Ltd., Lal Ganga Shopping Mall.

---Respondents

For appellant	:	Shri Vikas Pandey under instructions of Shri A.L.Singroul, Advocate.
For resp.No.3/ Insurance Company	:	Shri Pallav Mishra under instructions of Shri R.N.Pusty, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/02/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 05/09/2017 passed by the learned Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Motor Accident Claim Case No.91/2012.

2. Vide the impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.2,50,570/- with interest @ 9% per annum from the date of application.
3. The counsel for the appellant/claimant submits that, the compensation awarded by the Tribunal for the injuries sustained is too meagre an amount and the same deserves suitable enhancement.
4. The counsel for the respondent No.3/Insurance Company however opposing the appeal submits that, the amount of compensation seems to be fair and reasonable and there is no scope of enhancement and thus prayed for rejection of the appeal.
5. Having heard the contention put forth on either side and on perusal of record, particularly taking note of the injuries which the claimant had sustained i.e. the injury of shoulder of the right hand so also there was a fracture of the left leg for which he had to undergo surgery where steel rods had to be inserted for his treatment and considering the statement of Dr.A.A.Saify – AW/2 examined on behalf of the claimant this Court is of the opinion that ends of justice would meet if, the claimant is awarded an additional amount of Rs.35,000/- in addition to what has already been awarded by the Tribunal.
6. Thus, the total compensation payable to the claimant would be Rs.2,85,570/- instead of Rs.2,50,570/-. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

7. The appeal thus stands allowed to the aforesaid extent and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit