

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 9 of 2018**

Ramesh Kumar Baidh S/o Samuram Baidh, aged about 19 years, R/o Chhepda Para, Village Bhanpuri, P.S. Bhanpuri, District Bastar, ChhattisgarhClaimant,

---- Appellant**Versus**

1. Nishar Khan S/o Guljar Khan, aged about 28 years, R/o Mamta Nagar Gali No.7, Ward No.17, Rajnandgaon, P.S. Lalbagh, District Rajnandgaon, ChhattisgarhDriver of the vehicle
2. Manish Travels, through Director Manish Kumar Jain, Poolgaon Chowk, Durg, District Durg, ChhattisgarhOwner of the vehicle,
3. The Branch Manager, the Oriental Insurance Company Limited, Branch Office Main Road Jagdalpur, District Bastar, ChhattisgarhInsurer,

---- Respondents

For Appellant	:	Shri A. L. Singroul under instruction of Shri P. K. Tulsyan, Advocate
For Respondent no.3	:	Shri Deepak Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/01/2018**

Present is a Claimant's appeal seeking for enhancement of compensation. The challenge is to the award dated 07.11.2017 passed by the 3rd Additional Motor Accident Claims Tribunal (FTC) Bastar, Jagdalpur (CG) in Claim Case No. 165 of 2016. Vide the impugned award, the Tribunal has awarded a compensation of Rs.1,26,640/- to the claimant with interest @ 9% per annum from the date of application.

2. Counsel for the appellant submits it is a case where the claimant had sustained grievous injuries because of the accident and that the amount of

compensation awarded is too meager an amount. Hence, prayed for suitable enhancement of compensation.

3. Counsel for the Insurance Company, however, opposes the appeal on the ground that the appeal does not have any merit as the award granted by the Tribunal is just and reasonable and the same is based on the evidence which has come on record. Thus, there is no scope of interference with the impugned award.

4. Given the facts and circumstances of the case, particularly taking note of the nature of injury sustained, this Court is of the opinion that ends of justice would meet if the claimant is awarded an additional lump sum compensation of Rs.35,000/- in addition to what has already been awarded. It is ordered accordingly. Thus, the claimant shall be entitled for a total compensation of Rs.1,61,640/- in stead of Rs.1,26,640/- as awarded by the Tribunal. Let the said amount be deposited by the Insurance Company at the earliest. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal.

5. The appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
JUDGE