

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 15 of 2018**

Deepak Kumar Sahu S/o Shri Samaru Ram Sahu, aged about 28 years, R/o Village- Piproud, Thana and Tahsil-Charama, Civil and Revenue Distt.- North Baster Kanker, Chhattisgarh .....Claimant

**---- Appellant****Versus**

1. Lakhvinder Singh @ Lakky S/o Shri Sachcha Singh, aged about 31 years, R/o. Tejbahadur Nagar, Telibandha Raipur, Distt. Raipur, Chhattisgarh.
2. Sayyed Anwar Ali S/o Shri Sayyed Ahmed Ali, aged about 31 years, C/o. Royal Travels New Bus Pandari, Raipur, Distt.-Raipur, Chhattisgarh.
3. The Oriental Insurance Company Limited, Branch Office Madina Manjil Kachahari Chowk, Jail Road Raipur, Civil and Revenue Distt.- Raipur, Chhattisgarh

**---- Respondents**


---

|                     |   |                                  |
|---------------------|---|----------------------------------|
| For Appellant       | : | Shri Sumit Shrivastava, Advocate |
| For Respondent no.3 | : | Shri Raj Awasthi, Advocate       |

---

**Hon'ble Shri Justice P. Sam Koshy****Order On Board****24/01/2018**

Present is a claimant's appeal under Section 173 of the Motor Vehicles Act assailing the award dated 26.10.2017 passed by the Additional Motor Accident Claims Tribunal (FTC), North Baster Kanker (CG) in Claim Case No. 12 of 2016. Vide the impugned award, the Tribunal, in an injury case has awarded a compensation of Rs.2,88,449/- with interest @ 7% per annum from the date of application.

2. Counsel for the appellant submits that the amount of compensation awarded by the Tribunal is on the lower side when compared to the grievous injuries that the claimant had sustained. The claimant as a result of the accident suffered fracture of his right leg and foot. He was hospitalized for a considerable period of time and during the said period, he had undergone sufficient pain and suffering. The claimant also finds it difficult in moving around as he was able to prior to his accident. He submits that AW-2 Dr. Vijay Shukla has also stated that the claimant suffered a permanent disability of 30%. Counsel for the appellant further submits that out of the total awarded amount of Rs.2,88,449/-, Rs.1,87,249/- was towards medical expenses and not much compensation has been awarded for the disability part incurred by the claimant. Thus, prayed for enhancement of the compensation suitably.

3. Counsel for the Insurance Company, however, opposing the appeal submits that the doctor has deposed that the disability part as on date is 30% and there is a possibility of the same getting reduced substantially during the course of time. Therefore, the assessment made by the Tribunal does not warrant any interference and the appeal deserves to be rejected.

4. Having heard the contentions put forth on either side and taking into consideration the nature of injury sustained by the claimant and the deposition of the doctor who admits that as on date the claimant suffers disability of 30% though during the course of time, the disability part may get reduced, this Court thinks it proper to enhance the compensation by an additional lump sum amount of Rs.50,000/- in addition to what has already been awarded by the Tribunal. It is ordered accordingly. Thus, the claimant shall be entitled for a total compensation of Rs.3,38,449/- instead of

Rs.2,88,449/-. The enhanced amount of compensation 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**