

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 386 of 2012**

1. Yakshcharan Gupta S/o Daso, aged about 40 years, occupation Carpenter, R/o village Chhotegumda, P.S. & Tahsil Gharghoda, District Raigarh (CG)
2. Mukesh Kumar S/o Jakshcharan, aged about 12 years, R/o village Chhotegumda, through natural guardian his father Yakshcharan, PS. & Tahsil Gharghoda, District Raigarh (CG)

---- Appellants**Versus**

1. Lakhan Lal S/o Karso Nisad, aged about 20 years, R/o Tahsil Gharghoda, District Raigarh (CG)
2. Smt. Savita Yadav widow of late Rahkumar Yadav, occupation owner of vehicle, R/o village Kargi road Kota, District Bilaspur (CG)
3. The New India Insurance Company Pvt. Limited, Branch Office Raigarh, Tahsil & District Raigarh (CG)

---- Respondents

For Appellants	:	Shri M. K. Sinha, Advocate
For Respondent no. 3	:	Shri Dashrath Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/02/2018**

Present is an appeal by by the claimants seeking for enhancement of compensation. The challenge in the appeal is the order dated 15.12.2011 passed by the 1st Additional Motor Accident Claims Tribunal, Raigarh (CG) in Motor Accident Claim Case No.59/2011. Vide the impugned award, the Tribunal in an injury case has awarded total compensation of Rs.28,488/- with interest at the rate of 6% per annum from the date of application to both the claimants.

2. Counsel for the appellants submits that considering the nature of injury suffered by the appellants which was also proved before the Tribunal and the doctor was also examined, the compensation awarded is too meager. He further submits that the Tribunal has failed to appreciate the fact that appellant no.1 in the instant case was a carpenter and as such, there is a substantial loss of earning capacity caused because of the disability.

3. Per contra, counsel for the Insurance Company opposing the appeal submits that it is a case where the appellants have been sufficiently awarded compensation by the Tribunal taking into consideration the nature of evidence brought on record by either of the parties and therefore, prayed for rejection of the appeal.

4. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the nature of injury mentioned in paragraph-14 of the impugned award, this Court is of the opinion that in the given circumstances, ends of justice would meet if both the appellants are jointly awarded an additional compensation of Rs.71,512/- in addition to what has already been awarded by the Tribunal to make the total compensation payable to the claimants at Rs.1,00,000/- in stead of Rs.28,488/-. It is ordered accordingly. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal. It is made clear that while honouring the award, the amount which has already been deposited by the Insurance Company shall be adjusted.

5. The appeal thus stands allowed.

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