

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 130 of 2018**

Kaushal Kumar Sahu S/o Shri Laxman Kumar Sahu Aged About 18 Years R/o Village Parewadih, P.O. Sambalpur, Tahsil And District Dhamtari, Chhattisgarh

---- Appellant**Versus**

1. Laxminarayan Sahu S/o Radhelal Sahu Aged About 21 Years R/o Nayapara Ward (Tikrapara) Dhamtari, Tahsil And District Dhamtari, Chhattisgarh (Driver)
2. Basant Kumar Sahu S/o Shri Chatur Ram Sahu Aged About 37 Years R/o Nayapara Ward (Tikrapara) Dhamtari, Tahsil And District Dhamtari, Chhattisgarh (Owner)
3. Branch Manager, United India Insurance Company Limited, Sinha Complex, Bathena Chowk Dhamtari, Tahsil And District Dhamtari, Chhattisgarh (Insurer)

---- Respondents

For Appellant	:	Ms. Suruchi Singh Rathore, Advocate
For Insurance Company	:	Mr. B.N. Nande, Advocate

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

1. Present is an appeal by the Claimant seeking enhancement. The challenge in the present appeal is the award dated 28.09.2017, passed by the Additional Motor Accident Claims Tribunal, Dhamtari, Chhattisgarh, in Claim Case No. 137/2016.
2. Vide the impugned award, the Tribunal, in an injury case, has awarded a compensation of Rs.1,57,008/- with interest @ 6% per annum from the date of award.
3. The counsel for the appellant submits that the Claimant in the instant case are entitled for much more compensation than what has been awarded. He submits that taking into consideration the nature of injury sustained by the Claimant i.e. the fracture on the left leg and

other parts of the body, the Claimant would be entitled for more compensation.

4. Per contra, Mr. Nande, Advocate appearing for the Insurance Company submits that the Tribunal has awarded just and reasonable compensation and there is no scope of any enhancement and the appeal deserves to be rejected.
5. Having heard the contentions put forth on either side and on perusal of record, taking into consideration the nature of injury sustained, particularly the fracture on the thigh bone of the left leg, the Claimant must have definitely undergone substantial pain & suffering and mental agony. This Court thus is of the opinion that ends of justice would meet if the Claimant is awarded a lump sum additional compensation of Rs.35,000/- in addition to what has already been awarded by the Tribunal. Thus, the total compensation payable to the Claimant would become Rs.1,92,008/- instead of Rs.1,57,008/-.
6. It is made clear that the Claimant would be entitled for the additional amount of Rs.35,000/- and the said amount shall not carry any interest as the amount is inclusive of interest.

Sd/-
(P. Sam Koshy)
Judge