

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 284 of 2018**

Vijay Tiwari @ Aashu S/o Shri Balkrishna Tiwari, aged about 28 years,
R/o Naya Khursipar, Police Station Khursipar, Bhiali, Tahsil and District-
Durg, Chhattisgarh.(Claimant)

---- Appellant**Versus**

1. Somprakash Chandrakar S/o Shri Vishnu Prasad Chandrakar, aged about 24 years, R/o Village- Aundhi, Gandhi Chowk, Tahsil Patan, District- Durg, Chhattisgarh
2. Kuldeep Singh Yadav S/o Shri Balwant Singh Yadav, aged about 28 years, Address- Deep Mobile, Mahamaya Road, Shankar Nagar, Kumhari, District- Durg, Chhattisgarh. Present R/o near M. P. Housing Board Colony, Durg, Chhattisgarh
3. United India Insurance Company Limited, through Branch Manager, Branch Office Paras Complex, Behind S. B. I. Gurudwara Road, Durg, Tahsil and District- Durg, Chhattisgarh

---- Respondents

For Appellant	:	Shri Manish Upadhyay, Advocate
For Respondent No.3	:	Shri Dashrath Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/03/2018**

The present is a claimant's appeal under Section 173 of Motor Vehicles Act seeking for enhancement of compensation. The challenge is to the award dated 08.11.2017 passed by the 1st Additional Motor Accident Claims Tribunal, Durg (CG) in Claim Case No.178/2016. Vide the impugned award, in an injury case, the Tribunal has awarded compensation of Rs.4,26,000/- with interest @ 9% per annum from the date of application.

2. Grievance of the appellant is that the compensation awarded is on the lower side as compared to the injuries sustained by him and therefore, the same deserves to be suitably enhanced.
3. Per contra, counsel for the Insurance Company submits that the compensation does not warrant any interference as the same is based on the evidence which has been brought on record including the medical evidence.
4. Having heard the contentions put forth on either side and on perusal of the record what reflects is that the appellant in the instant case had suffered fracture of femur bone of his right leg so also the tibia fibula and the third metacarpal bone was also got fractured. Apart from other injuries, the appellant must have undergone great amount of pain and suffering so also incidental expenses.
5. Considering all the facts and circumstances, this Court grants an additional lump sum compensation of Rs.24,000/- in addition to what has already been awarded by the Tribunal making the total compensation payable to the claimant at Rs.4,50,000/- in stead of Rs.4,26,000/-. Rest of the award including the interest part shall remain intact.
6. The appeal of the appellant thus stands allowed in part.

Sd/-
(P. Sam Koshy)
JUDGE