

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 291 of 2018**

Sumit Harwansh S/o Late Om Prakash Harwansh Aged About 19 Years R/o Bade Urla, P.S. Abhanpur, District- Raipur, Chhattisgarh. (Claimant)

---- Appellant**Versus**

1. Santosh Kumar Sahu S/o Shri Dashrath Sahu Aged About 40 Years R/o Bijauri, P.S. Fingeshwar, District Gariyaband Chhattisgarh. (Driver)
2. Shankar Saadiza, S/o Shri Om Prakash Saazida R/o Qtr. No. 25 Face- II, Ashiyana Awanti Vihar Town, P. S. Telibandha District- Raipur, Chhattisgarh. (Owner)
3. The Oriental Insurance Company Limited, Through Divisional Manager, The Oriental Insurance Company Limited Jail Road, Madina Building, Raipur, Chhattisgarh

---- Respondents

For Appellant : Mr. Dashrath Kushwaha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/02/2018**

1. The present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 06.10.2017, passed by the 1st Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 615/2015.
2. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.8,92,010/- with interest @ 6% per annum from the date of application.
3. The counsel for the appellant submits that the compensation awarded is on the lower side and the same deserves suitable enhancement.

4. However perusal of record would show that the Tribunal as it is has awarded a compensation of Rs.5,53,010/- towards the medical expenses. In addition, the Claimant has also been awarded additional compensation of Rs.1,62,000/- towards loss of earning capacity and further the Tribunal has also taking into consideration the mental agony and pain & suffering undergone so also the loss of earning capacity during the course of treatment and further for the special diets and incidental expenses also the Tribunal has suitably awarded compensation.
5. Given the facts and circumstances of the case and also taking into consideration the deposition of the Doctor as is revealed from the perusal of paragraph No. 17 of the impugned award, this Court is of the opinion that the findings arrived at by the Tribunal does not warrant any interference and the compensation awarded seems to be fair, just and reasonable.
6. The appeal thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge