

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 323 of 2018

Jageshwar S/o Late Janakram Dhruv, aged about 40 years, R/o vilalge & Post Maroud, Tahsil Kurud, District Dhamtari (C.G.) (Claimant).

---Appellant

Versus

1. Bhajan Lal Bhardwaj S/o Late Mohan Lal, aged about 30 years, R/o village & Post Keshwahi, Tahsil and District Kondagaon (C.G.) (Driver).
2. M/s. Khandamunda Fuels Jagdalpur, Proprietor Sanjay Kumar Mandavi, R/o Kesalur Naka, Jagdalpur, Post & Tahsil Jagdalpur, District Bastar (C.G.) (Owner).
3. Branch Manager, Choramandalam, M.S.General Insurance Company, Branch office 2nd floor, behind Simran Tower L.I.C. Bhawan, Pandri Raipur, Post Pandri, Tahsil and District Raipur (C.G) (Insurer).

---Respondents

For appellant/claimant : Shri Anil Gulati, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/02/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 28/06/2017 passed by the learned Additional Motor Accident Claims Tribunal (F.T.C.), Dhamtari (C.G.) in Motor Accident Claim Case No. 11/2016.
2. Vide the impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.2,16,753/- with interest @ 6% per annum from the date of application.
3. The counsel for the appellant/claimant submits that, the compensation awarded is on the lower side and it ought to had been much more than what

has been awarded including the compensation awarded under the other heads also.

4. So far as the injury which has been sustained by the claimant, if we peruse the record it would reveal that, the claimant had suffered injuries over his head, chest, hands and feet. He had also incurred certain expenses towards the medical treatment which he had undergone. The Tribunal has awarded the compensation to the entire medical bills which were raised that of Rs.1,75,353/-.

5. However, perusal of record would reveal that, the doctor in support of the claimant has not been examined to establish the percentage of permanent disability sustained by the claimant. Neither is there any document to show any permanent disability.

6. Under the given circumstances, this Court is of the opinion that though the doctor has not been examined to establish the disability part, but the accident and the injury stands proved from the other evidence brought on record.

7. Given the facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the claimant is awarded compensation of an additional amount of Rs.25,000/- inclusive of interest towards pain and suffering and other incidental expenses.

8. It is ordered accordingly that, the claimant shall be entitled for an additional amount of Rs.25,000/- inclusive of interest in addition to what has been awarded by the Tribunal.

9. The said amount of Rs.25,000/- shall not carry any interest.

10. It is expected that, the Insurance Company shall deposit the amount within a period of 45 days failing which the amount shall carry interest as awarded by the Tribunal.

11. The appeal stands allowed to the aforesaid extent and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit