

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 328 of 2018**

Smt. Uttam Bai Ratre W/o Late Shri Rameshwar Ram Aged About 60 Years R/o Village Godam, Police Station Sarangarh, District Raigarh, Chhattisgarh, At Present C/o Majahar Khan, Near Bhojpur School, Pradhan Chowk, Champa, Police Station Champa, District Janjgir-Champa, Chhattisgarh (Claimant)

---- Appellant**Versus**

1. Dujram Sahu S/o Tiritram Sahu Aged About 37 Years R/o Village Baharpur, Police Station Dhamdha, District Durg, Chhattisgarh (Driver)
2. Dilip Kumar Sen S/o Bandhulal Sen R/o Tamerpara, Ward No.9, Dhamdha, District Durg, Chhattisgarh (Owner)
3. The Manager Shriram General Insurance Company Limited, Regional Office, Bhilai, District Durg, Chhattisgarh (Insurer)

----Respondents**AND****MAC No. 329 of 2018**

Smt. Radha Bai Sawarkar W/o Jeevan Rao Sawarkar Aged About 32 Years R/o House No.474, Near Bhojpur School, Champa, Police Station Champa, District Janjgir-Champa, Chhattisgarh (Claimant),

---- Appellant**1. Versus**

1. Dujram Sahu S/o Tiritram Sahu Aged About 37 Years R/o Village Baharpur, Police Station Dhamdha, District Durg, Chhattisgarh (Driver)
2. Dilip Kumar Sen S/o Bandhulal Sen R/o Tamerpara, Ward No.9, Dhamdha, District Durg, Chhattisgarh (Owner)
3. The Manager Shriram General Insurance Company Limited, Regional Office, Bhilai, District Durg, Chhattisgarh (Insurer)

----Respondents

For Appellants	:	Mr. K.K. Singh, Advocate
For Insurance Company	:	Mr. S.S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/03/2018**

1. These are two appeals by the Claimants under Section 173 of the Motor Vehicles Act. The challenge is to the award dated 23.11.2017, passed by the Motor Accident Claims Tribunal, Janjgir-Champa,

Chhattisgarh, in Motor Accident Claim Case Nos. 14/2017 & 15/2017.

2. Vide the impugned award, the Tribunal in the aforesaid two claim cases has awarded an amount of Rs.5000/- and Rs.23,344/- respectively with interest @8% per annum from the date of application.
3. The appeals have been preferred by the Claimants alleging that the compensation awarded is on the lower side. According to the counsel for the appellants, when we consider the nature of injury sustained by the Claimants, the amount of compensation awarded is extremely low and the same deserves for suitable enhancement.
4. The counsel for the Insurance Company at this juncture on instructions submits that the award does not seem to be in any manner unreasonable as the nature of injuries sustained by the two Claimants were simple in nature and they have subsequently recovered fully and there is no scope of any enhancement of compensation.
5. Given the facts and circumstances of the case and considering the nature of injuries sustained by the appellants from the accidents that took place on 07.07.2015 arising out of the use of a Bolero Jeep bearing registration No. CG/07/M/8507 this Court is of the opinion that ends of justice would meet if the Claimants are awarded an additional amount of Rs.15,000/- in MAC No. 328/2018 and Rs.27,000/- in MAC No. 329/2018.
6. Accordingly, the Claimant in MAC No. 328/2018 shall get a total compensation of Rs.20,000/- instead of Rs. 5000/- and in MAC No.

329/2018 the Claimant shall get an amount of Rs.50,344/- instead of Rs.23,344/-.

7. The said enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.
8. Both the appeals thus stand allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved