

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1611 of 2017**

Smt. Khatimunnisha W/o Sheikh Nisar Ahmad, Aged About 51 Years
R/o Village Bhaisama, Post Bhaisama, Tehsil And District Korba,
Chhattisgarh.

---- Appellant**Versus**

1. Karan Prajapati S/o Teejram Prajapati, Aged About 30 Years R/o Sardaiga, Thana Lailanga, District Raigarh Chhattisgarh, At Present R/o Village Dadarkhurd, Daivanbhatha, Chowki Manikpur, Tehsil And District Korba, Chhattisgarh.
2. Rajdev Yadav, S/o Kalicharan Yadav, R/o Transport Nagar, Korba, Tehsil And District Korba, Chhattisgarh.
3. Bajaj Allianz General Insurance Company Limited Through Branch Manager, Bajaj Allianz General Insurance Company Limited, First floor, Shivmihan Bhawan, Vidhan Sabha Marg, Pandari, Raipur, District Raipur, Chhattisgarh.

----Respondents

For Appellant	:	Mr. Sanjay Patel, Advocate
For Insurance Company	:	Mr. S.S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/01/2018**

1. Present is an appeal by the Claimant seeking for enhancement of the award dated 13.10.2017, passed by the 2nd Additional Motor Accident Claims Tribunal, Korba, Chhattisgarh, in Claim Case No. 08/2014.
2. Vide the impugned award the Tribunal has awarded a compensation of Rs.2,09,760/- with interest @7% per annum from the date of application.
3. Counsel for the appellant submits that considering the nature of injury sustained by the appellant, the amount of compensation awarded by the Tribunal is on the lower side. He further submits that the Claimant in the instant case was a lady aged around 51 years

and that she had received injuries, which the Doctor has assessed the disability at 50%, however, the Tribunal has assessed the disability only at 15% and prayed for the amount of compensation to be suitably enhanced.

4. Counsel for the Insurance Company however, opposing the appeal submits that the Claimant has received the medical treatment from the hospital assigned by the SECL, the employer of the husband of the Claimant. That the medical facilities are totally free and that they are also provided for all other incidental benefits required for the treatment and as such the award of compensation is fair, just and reasonable and there is no scope of enhancement.
5. Having heard the contention put forth on either side and on perusal of record and considering the entire facts and circumstances of the case and also considering the nature of injury sustained by the middle aged lady, this Court is of the opinion that ends of justice would meet if the Claimant is awarded a lump sum additional compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal to make the total compensation payable at Rs.2,59,760/- instead of Rs.2,09,760/-.
6. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
7. The appeal stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge