

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1628 of 2017**

Rahish Khan S/o Sanif Khan, aged about 30 years, Occupation vehicle driver, R/o Gannji Nagar Birgaon Raipur, Tahsil and District Raipur, Chhattisgarh

---- Appellant**Versus**

1. Moinuddinn Shekh S/o Sujuddin, Occupation vehicle owner, R/o near Kallu Geraj Moudhapara Raipur, Ward No. 35, Tahsil and District Raipur, Chhattisgarh
2. Shri Ram General Insurance Company Limited, Branch Manager Branch Office 4th Floor Maruti Heights G. E. Road Skay Maruti Diler Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Shri A. L. Singroul, Advocate
For Respondent no.2	:	Shri Deepak Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/01/2018**

Present is a claimants' appeal under Section 173 of the Motor Vehicles Act assailing the award dated 29.03.2017 passed by the 8th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 121 of 2014. Vide the impugned award, the Tribunal, in an injury case, has awarded a compensation of Rs.67,900/- with interest @ 7% per annum from the date of application.

2. Contention of the counsel for the appellant is that the amount of compensation awarded by the Tribunal is too meager an amount and the same is liable to be enhanced suitably. He submits that the claimant in the instant case had suffered fracture of right leg and there was grievous injury on

his left leg also for which he had to be operated upon both the legs. He further submits that the claimant was hospitalized for a considerable period of time during which he had also undergone a great amount of pain and suffering and therefore, the amount of compensation awarded in this regard is also on the lower side and the same deserves to be enhanced suitably.

3. Counsel for the Insurance Company, however, opposing the appeal submits that the award passed by the Tribunal seems to be fair and reasonable based on the evidence which has come on record and there is no scope of interference. Thus, prayed for rejection of the appeal.

4. Considering the total facts and circumstances of the case, particularly taking into account the grievous injuries which the claimant suffered, this Court is of the opinion that ends of justice would meet if the claimant is awarded an additional compensation of Rs.32,100/- in addition to what has already been awarded by the Tribunal. It is ordered accordingly. Thus, the claimant shall be entitled for a total compensation of Rs.1,00,000/- in stead of Rs.67,900/- as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as has been fixed by the Tribunal.

5. The present appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
JUDGE