

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 80 of 2012**

Ashish Verma, aged about 18 years, S/o Ramesh Verma, R/o near Usalapur Railway Crossing, Bilaspur (CG).

---- Appellant**Versus**

1. Jagnandan Prasad Pandey, Aged about 42 years S/o Shri Ramnihore Pandey, R/o Sarju Bagicha near Pipal Tree, Bilaspur (CG).
2. Bholu Prasad Sharma, aged not known R/o Bus Stand, Bilaspur, Distt. Bilaspur (CG).
3. Divisional Manager, the Oriental Insurance Co. Ltd. near Bus Stand, Bilaspur (CG).

---- Respondents

For Appellants	:	Shri Ashok Swarnakar and Shri Shikhar Bhaktiyar, Advocates.
For respondent No.3		Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****12.02.2018**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimants seeking enhancement of compensation against the award dated 28.10.2010 passed by the IIIrd Additional Motor Accident Claims Tribunal, Bilaspur (in short, the Tribunal) in Claim Case No.36/2010. Vide the said impugned award, the Tribunal in an injury case has awarded a compensation of Rs.88,177/- along with interest @ 9 percent per annum from the date of application.
2. Counsel for the appellant-claimant submits that the amount of compensation awarded by the Tribunal is unreasonably low and the same deserves to be suitably enhanced. The appellant in the instant case met with an accident on 06.12.2008 when he was going on his

bicycle was hit by a Bus bearing registration No.CG-10-G-0286 which was owned by the respondent No.2 and was being driven by respondent No.1. As a result of the said accident, the appellant had received multiple injuries over his head and other parts of the body and the injuries were grievous in nature. He was immediately hospitalized and criminal case was also registered against the respondent No.1. Initially the appellant was admitted in the District Hospital, Bilaspur and later on he was shifted to the Apollo Hospital, Bilaspur where he was hospitalized for about 15 days. In the course of treatment, the appellant had also undergone surgery of his right leg and steel rod/plates had to be inserted. In addition, he had also received injuries on the other parts of the body including head.

3. The counsel for the appellant further submits that the claimant had initially filed an application and during the course of treatment, the claim application was decided and as such he could not produce the entire medical bills of the treatment subsequently undertaken. He further submits that even after the disposal of the case by the Tribunal, the appellant has been continuously undergoing treatment and that he was a young boy of 18 years and he has also lost one year of his study and as compared to all these facts, the amount of compensation awarded is too meager an amount and the same deserves to be suitably enhanced.
4. The counsel for the insurance company, however opposing the appeal submits that the award seems to be fair and reasonable and there is no scope of interference. Therefore, the appeal does not

have any merit and the same deserves to be rejected.

5. Considering the submissions put forth on either side and on perusal of records, particularly the nature of injuries which a young boy has undergone including fracture of right leg where steel plates had to be affixed, in addition he has also suffered injuries on the other parts of the body and all these must have put the appellant to undergo great pain and suffering and mental agony. In addition, there could also have been some future expenses also incurred. Therefore, considering the entire facts and circumstances of the case, this court is of the opinion that ends of justice would meet if the claimant is awarded an additional amount of compensation of Rs.50,000/- in addition to what has already been awarded by the Tribunal to make the total compensation payable at Rs.1,38,177/- instead of Rs.88,177/-. It is ordered accordingly.
6. The above enhanced amount of compensation shall also carry interest at the same rate as awarded by the Tribunal.
7. Accordingly, the appeal of the appellant-claimant stands allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge