

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1107 of 2011**

Brijlal, S/o. Tiju Ram, Aged about 43 years, R/o. Village Gopalpuri, Police Station Arjuni, Tahsil and District Dhamtari, Chhattisgarh (Handicapped)

Through: wife and next friend Smt. Sushila Bai, W/o. Brijlal Sahu, R/o. Village Gopalpuri, Police Station Arjuni, Tahsil and District Dhamtari Chhattisgarh

---- Appellant**Versus**

1. Niranjana Kumar, S/o. Yadunath, Aged about 22 years, R/o. Behind Police Station Gurur, Post Gurur, Tahsil Gurur, District Durg Chhattisgarh
2. Ashok Kumar, S/o. Bhawarlal, Occupation Transporter, Mahavir Rice Mill Sihava Road, Dhamtari, Tahsil and District Dhamtari Chhattisgarh
3. Manager, TATA AIG General Insurance Company Limited, Lal Ganga Shopping Complex, Second Floor, Shop No. 223, 224 G.E. Road, Raipur, District Raipur Chhattisgarh

----Respondents

For Appellant	:	Mr. R.K. Pali, Advocate under instructions of Mr. P.P. Sahu, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/01/2018**

1. Present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act seeking for enhancement of the award assailing the award dated 05.09.2011, passed by the Additional Motor Accident Claims Tribunal, Dhamtari, Chhattisgarh, in Claim Case No. 17/2011.
2. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.6,47,400/- with interest @ 6% per annum from the date of application.
3. There is no representation by the respondents in spite of proper service being made. Considering the fact that it is an appeal of year

2011, this Court proceeds to decide the case with the available materials on record and the assistance provided by the counsel for the appellant.

4. Counsel for the appellant submits that the appellant in the instant case met with an accident on 05.07.2008, when he was hit by a motorcycle owned by the respondent No.2 and driven by the respondent No.1 bearing registration No. CG/05/A/1382. As a result of the accident, the Claimant received multiple injuries over his body and was hospitalized for a period of about 4 months and subsequently, he filed a claim application under Section 166 of the Motor Vehicles Act, which was allowed vide the impugned award awarding an amount of compensation of Rs.6,47,400/-
5. The counsel for the appellant submits that considering the nature of injury the gravity of which stands established for the mere expenses made for treatment i.e. more than Rs.4,51,000/- would show that he suffered grievous injuries. He further submits that the Claimant in the instant case was also hospitalized for a period of about 4 months, during which period also he could not earned his livelihood and subsequent to his treatment also he was not able to perform in the same way as he would perform prior to the accident and thus prayed for the enhancement of the compensation.
6. A perusal of the record would show that the Dr. Vinod Kumar Pandey (AW/4) was examined before the Tribunal and he has in very categorically terms proved the injuries caused and said that because of the injuries that he has sustained on his right shoulder, he would not be able to use his right hand properly.

7. Given the total facts and circumstances of the case particularly taking note of the injury and the period of treatment, this Court feels it proper to award an additional compensation of Rs.52,600/-, in addition to what has already been awarded by the Tribunal to make the total compensation payable at Rs.7,00,000/- instead of Rs.6,47,400/-,
8. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
9. The appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved