

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 92 of 2018**

Lohar Singh S/o Ramchandra Shori, aged about 54 years, R/o Village Tarasgaon, Tahsil Charama, District Utter Baster (CG)

---- Appellant**Versus**

1. Bharat Ram Sahu S/o Arjun Ram Sahu, aged about 51 years, R/o Village Lakhanpuri, Thana and Tahsil Charama, Distt. Utter Bastar (CG) (Driver of the offending vehicle Jeep No. CG05/1368)
2. Branch Manager, National Insurance Company, Branch Office R.S.S. Office above of Central Bank, Jagdalpur, (CG) (Insurer of the offending vehicle Jeep No. CG05/1368)

---- Respondents

For Appellant	:	Shri A. L. Singroul, Advocate
For Respondent no. 2	:	Shri Sudhir Agrawal with Shri P. Dutta, Advocates

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/02/2018**

Heard on I.A. No.01/18 which is an application for condonation of delay in filing the appeal.

2. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 71 days in filing the appeal stands condoned.

3. Present is a claimant's appeal under Section 173 of the Motor Vehicles Act assailing the award dated 28.06.2017 passed by the Additional Motor Accident Claims Tribunal (FTC) Utter Baster Kanker (CG) in Claim Case No. 58 of 2015. Vide the impugned award, the Tribunal in an injury case has awarded compensation of Rs.51,600/- with interest at the rate of 7% per annum from the date of application.

4. Counsel for the appellant submits that the appellant has not been awarded appropriate compensation considering the nature of injury that he has suffered for. According to him, the appellant had suffered fracture of his left leg and injuries on his right leg. In addition, there were other injuries also all over his body. He submits that though the fracture has healed, it has not properly joined and by virtue of the fracture, the left leg has got bend. He submits that the doctor has assessed the disability as 30% vide Ex. P-12 whereas the Tribunal while assessing the compensation, has assessed the disability of 10% and there is no sufficient compensation awarded by the Tribunal for the disability part. Thus, prayed for enhancement of compensation suitably.

5. Counsel for the Insurance Company, however, opposing the appeal submits that the finding of the Tribunal does not warrant any interference as it is based on the evidence which has come on record and that there is no perversity in the finding of the appeal and the same deserves to be rejected.

6. Having heard the contentions put forth on either side and taking into consideration the nature of injuries sustained by the claimant and the statement of the doctor in this regard, this Court is of the opinion that ends of justice in the given factual matrix of the case would meet if the claimant is awarded an additional compensation of Rs.25,000/- in addition to what has already been awarded to him by the Tribunal. It is ordered accordingly. Thus, the claimant shall be entitled for a total compensation of Rs.76,600/- in stead of Rs.51,600/- as awarded by the Tribunal. The enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

7. The appeal thus stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
JUDGE