

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 1091 of 2012

Bhushan Lal Sahu S/o Firtu Ram Sahu, aged about 34 years, R/o Village Dumardihkala, P.S. and P.O. Ghumka, Tahsil and District Rajnandgaon (C.G.).

---Appellant

Versus

1. Mustak Khan S/o Jalim Khan, aged about 25 years, R/o Ward No.29, P.S.City Kotwali, Rajnandgaon, Post Rajnandgaon, District Rajnandgaon (C.G.).
2. The Branch Manager, National Insurance Co.Ltd., Branch office Kamthi Line, Rajnandgaon, District Rajnandgaon (C.G.).

---Respondents

For appellant	:	Shri Rakesh Thakur, Advocate.
For resp.No.2/ Insurance Company	:	Shri Pallav Mishra on behalf of Shri R.N.Pusty, Advocate.

Hon'ble Shri Justice P. Sam KoshyOrder on Board

06/03/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 12/07/2011 passed by the learned Motor Accident Claims Tribunal, Rajnandgaon (C.G.) in Motor Accident Claim Case No.20/2009.
2. Vide the impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.35,000/- with interest @ 6% per annum.
3. The counsel for the appellant/claimant submits that, the claimant in the instant case has received grievous injuries on his head and he was also

hospitalized for a considerable long period and for almost one year, he could not go for employment and as such the compensation awarded for all these is too meagre an amount and thus the same deserves suitable enhancement.

4. Perusal of record would show that, the claimant did not examine the doctor to establish the disability part, nor was there any certificate to show that the claimant had suffered from any permanent disability.

5. However, since the accident is admitted and the fact that the claimant had suffered some injuries and he was also hospitalized and undergone some treatment all of which are not in dispute this court is of the opinion that ends of justice would meet if, the claimant is awarded a lump sum compensation of Rs.50,000/- instead of Rs.35,000/- as awarded by the Tribunal. Thus, there shall be an enhancement of Rs.15,000/- to the award passed by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

6. The appeal thus stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE