

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 415 of 2014

- Sunder Lal Verma S/o Punitram Verma Aged About 35 Years
Occupation Plumber (Nal Mistri), R/o Itai, P.S. Nandghat, Tah.
Navagarh, Distt. Bemetara C.G.

**---- Appellant
Claimant**

Versus

1. Rakesh Gilhare S/o Laxman Gilhare Aged About 30 Years,
Owner and Driver of Maruti 8000 No.CG 04 H 5573, R/o Mission
Ward No. 02, Tilda Nevra, P.S. Tilda Nevra, Distt. Balodabazar
C.G.
2. Ifco Tokio Insu.Co.Ltd. Branch Office, 3rd Manjil, 345, 347, Lal
Ganga Shopping Complex, G.E. Road, Raipur C.G.

---- Respondents

For Appellant	:	Shri RK Pali, Advocate.
For Respondent No.2	:	Shri P. Acharya, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

06/12/2018

This appeal is by the claimant/injured against the award 12.3.2014 passed by Motor Accident Claims Tribunal, Bemetara in Claim Case No.35/2013 awarding total compensation of Rs.8,000/- with interest @ 6% per annum from the date of application till realization, fastening liability on the non-applicant No.2/insurance company.

02. As per claim petition, on 18.12.2012 the appellant/claimant along with his friend Inder Kumar Soni was travelling in a motorcycle as a pillion rider when the said motorcycle was dashed by Maruti 800 bearing No. CG 04 H 5573 which was being driven in a rash and negligent manner by non-applicant No.1, as a result of which the appellant/claimant suffered grievous injuries.

03. On claim petition being filed by the claimant under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties granted compensation as mentioned above.

04. Learned counsel for the appellant submits that the Tribunal has not considered the medical documents filed by the claimant pertaining to the expenses incurred by him in getting treatment of the injuries suffered in the accident. Therefore, the amount awarded by the Tribunal is liable to be enhanced by granted medical expenses of Rs.2,92,650/- as per Ex.P/15.

05. On the other hand, learned counsel for the respondent/insurance company supports the impugned award and submits that the Tribunal considering all the relevant aspects of the matter has rightly awarded compensation, which needs no interference by this Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. Considering the facts and circumstances of the case, the medical documents filed by the claimant (Ex.P/15), the fact that definitely the claimant has not examined the treating doctor, but looking to the nature and extent of injury suffered by him, this Court is of the opinion that an additional amount of Rs.50,000/- towards medical treatment of the claimant would meet the ends of justice.

08. In the result, the appeal is allowed in part. The impugned award is hereby modified to the extent that the appellant/claimant shall be entitled for additional compensation of Rs.50,000/- with interest @ 6% per annum from the date of application till realization from respondent No.2/insurance company. The insurance company shall deposit the said amount within a month from today with the concerned Tribunal.

Sd/

(Gautam Chourdiya)

Judge