

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1369 of 2014

- Smt. Dukal Bai W/o Bhagirathi Hirwani Aged About 45 Years R/o Mahima Sagar Ward, Dhamtari, P.S., Tah. And Distt. Dhamtari C.G.

---- Appellant

Claimant

Versus

1. Yashwant Soni S/o Tilak Soni Aged About 38 Years R/o Near Kodumal Dharmshala, Risai Para, Dhamtari, Distt. Dhamtari C.G.
2. Manjeet Singh S/o Late Heera Singh R/o Vivekanand Colony, Dhamtari, Tah. And Distt. Dhamtari C.G.
3. Divisional Manager The Oriental Insu.Co.Ltd., Balak Chowk, M.B. Trade, Dhamtari, Tah. And Distt. Dhamtari C.G.

---- Respondents

For Appellant	:	Shri RK Pali, Advocate.
For Respondent No.3	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

10/12/2018

This appeal is by the claimant/injured against the award 3.11.2014 passed by Additional Motor Accident Claims Tribunal, Dhamtari in Claim Case No.16/2014 awarding total compensation of Rs.1,92,760/- with interest @ 6% per annum from the date of application till realization, fastening liability on the non-applicants jointly and severely.

02. As per claim petition, on 27.6.2013 at about 2.30 am while the claimant along with her husband was going on bicycle, non-applicant No.1 Yashwant Soni by driving Jeep bearing No. CG 04 T 0316 in a

rash and negligent manner dashed the bicycle as a result of which the claimant and her husband 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 passed an award as mentioned above.

04. Learned counsel for the appellant/claimant submits that no amount has been awarded by the Tribunal for attendant and future treatment. He submits that the claimant has suffered fracture of clavicle and humerus bone and plate was inserted in her body, therefore, a reasonable amount ought to have been awarded for future treatment. Further, the amount awarded for loss of earning during treatment i.e. Rs.20,000/- is also on the lower side as the claimant could not do her work for 5-6 months. Thus, he prays for enhancement of the compensation suitably.

05. On the other hand, learned counsel for insurance company submits that the Tribunal considering all the relevant aspects of the matter and the evidence on record has rightly awarded compensation to the claimant which needs no interference by this Court.

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

07. As per Ex.P/94 the claimant was admitted in Lifeworth Diagnostics Center, she remained in ICU for six days, five days in private ward i.e. total 11 days hospitalized. All the concerned medical bills have been duly considered by the Tribunal. However, no amount for attendant has been awarded and therefore, looking to the nature of injuries i.e. fracture of clavicle and humerus bone, the period of claimant's hospitalization, her 50% temporary disability vide Ex.P/95; the certificate of Ex.P/96 i.e. estimate for future treatment which has been proved by the claimant; the document of Ex.P/94 and P/9 which shows that eye surgery and hand surgery as well as implant was done, this Court is of the opinion that the claimant is entitled for Rs.30,000/- towards future treatment; Rs.5,000/- for attendant; Rs.5,000/- for loss of earning and further Rs.10,000/- for pain and suffering. Thus, the

claimant is held entitled for an additional compensation of Rs.50,000/- with interest @ 6% per annum from the date of application till realization.

08. In the result, the appeal is allowed in part with modification in the impugned award to the above extent. Insurance company to deposit the above amount of Rs.50,000/- with interest within a period of one month from today with the concerned Tribunal.

Sd/

(Gautam Chourdiya)

Judge