

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1505 of 2017**

Sahabuddin Ansari S/o Sirajuddin Ansari Aged About 20 Years R/o R. D. A. Colony Heerapur, Police Station Aamanaka, Post Office Tatibandh, Raipur, Tahsil And District Raipur Chhattisgarh, Chhattisgarh (Claimant)

---- Appellant**Versus**

1. Dhiraj Kumar S/o Shri Bacchu Singh Aged About 33 Years Occupation Truck Driver, Present R/o Atul Fried Carriers A. F. C., Kabir Nagar, Ring Road No. 2, Police Station Aamanaka, Post Office Tatibandh, Raipur, Tahsil And District Raipur Chhattisgarh (Driver)
2. Kapil Dev Bamel S/o Shri Balwan Singh, Occupation Truck Owner And Transporter, Present R/o Atul Fried Carriers A. F. C., Kabir Nagar, Ring Road No. 02, Police Station Aamanaka, Post Office Tatibandh, Raipur Tahsil And District Raipur Chhattisgarh (Registered Owner)
3. The S. B. I. General Insurance Company Limited, Through Branch Manager, Branch Office, S. B. I. Regional Office Campus, Bayron Bazar, Raipur, Tahsil And District Raipur Chhattisgarh (Insurer)

----Respondents

For Claimant	:	Mr. Shivendu Pandya, Advocate
For Insurance Company	:	Mr. Ghanshyam Patel, Advocate under instructions of Mr. Abhishk Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/01/2018**

1. Present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act. The challenge is to the award dated 31.08.2016, passed by the Chief Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No.405/2014. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.3,26,000/- with interest @ 6% per annum.
2. The counsel for the appellant submits that the award of compensation awarded by the Tribunal is on the lower side and considering the nature of the injuries, the Claimant deserves for much more compensation than that has been awarded. Counsel for

the appellant further submits that as a result of the accident, the Claimant in the instant case had suffered grievous injuries on his thigh and waist, and that the back bone of the appellant had sustained fracture and he had also to be operated upon and thus considering the factual matrix of the case he would have been entitled for much more compensation than that has been awarded and prayed for the award to be suitably enhanced.

3. The counsel for the Insurance Company however opposing the appeal submits that the award as such is just and reasonable and that he has been paid in accordance with the evidence that was led before the Tribunal and there is no scope of any enhancement of the compensation.
4. Having heard the contentions put forth on either side and on perusal of record, considering the nature of injury which was suffered by the appellant and considering the period of treatment and the also the nature of disability that he must has suffered, this Court is of the opinion that ends of justice would meet if the appellant is awarded an additional compensation of Rs.25,000/- in addition to what has already been awarded by the Tribunal to make the total compensation payable at Rs.3,51,000/- instead of Rs.3,26,000/- as was awarded by the Tribunal.
5. 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