

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 855 of 2012**

Sanjay Devangan, Aged about 33 years, S/o. Ramesh Devangan, R/o. Ward No.5, Behind BNC Mill, Ramnagar, Ramanujganj, District Ramanujganj, Chhattisgarh (Claimant)

----Appellant**Versus**

1. Sarvan Kumar Nishad, S/o. Nandram Nishad, R/o. Village Mohda, Police Station Hirri, Tahsil Bilha, District Bilaspur, Chhattisgarh (Driver)
2. Asarfi Devi Goyal, W/o. Deendayal Goyal, R/o. C/203, Ashok Ratna, Shankar Nagar, Near VIP Club, District Raipur, Chhattisgarh (Owner)
3. ICICI Lombard, Lal Ganga Shopping Complex, Besides D.K. Mantralaya, G.E. Road, Raipur, Chhattisgarh

----Respondents

For Appellant	:	Mr. J.K. Gupta, Advocate under instructions of Mr. Devershi Thakur, Advocate
For Respondent No.3	:	Mr. P. Acharya, Advocate under instructions of Mr. Amrito Das, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/03/2018**

1. The present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 16.02.2012, passed by the 4th Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 221/2011.
2. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.31,000/- with interest @ 7.5% per annum from the date of application.
3. The contention of the counsel for the appellant is that the amount of compensation awarded is on the lower side and that he had sustained multiple fractures on his right leg and he being a Driver by profession he finds it difficult to spend his right leg has been reduced and that reduction would be life long and therefore the Tribunal should have taken into consideration this aspect while quantifying the

compensation. He submits that the amount of compensation awarded is too meagre an amount and prays for the enhancement of the same.

4. Counsel for the respondent-Insurance Company however opposes the appeal and submits that taking into consideration the evidence which have come on record particularly the fact that the Doctor from the medical college where he had been treated has not been examined. The finding of the Tribunal cannot be found fault with and the appeal does not have much merits and the same deserves to be rejected.
5. Having heard the contentions put forth on either side and on perusal of record, the accident does not seem to be in dispute. So also the injury suffered from the accident by the Claimant is also not in dispute. Further it also reveals from the documents on record that the Claimant had suffered multiple fractures on his right leg.
6. Under the given facts and circumstances of the case this Court is of the opinion that ends of justice would meet if the Claimant is awarded an additional compensation of Rs.69,000/- in addition to what has already been awarded by the Tribunal to make the total compensation payable at Rs.1,00,000/- instead of Rs.31,000/-. It is ordered accordingly that the Claimant shall be entitled for an amount of Rs.1,00,000/- instead of Rs.31,000/- as compensation.
7. The enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.
8. The appeal thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge