

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 914 of 2011**

Vasudev Dhruv, S/o. Bahur Singh Dhruv, Aged about 30 years, R/o.
Village Sankra, Tahsil and District Dhamtari, Chhattisgarh (Claimant)

---- Appellant**Versus**

1. Ramesh Souri, S/o. Shyam Souri, Aged about 21 years,

2. Shyamji Souri, S/o. Magan Souri,

Both are R/o. Near Saraswati Shishu Mandir School, Kanker, Tahsil
and District Kanker, Chhattisgarh

----Respondents

For Claimant/Appellant	:	Mr. Ritesh Verma, Advocate (Amicus Curiae appointed by the Court)
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/01/2018**

1. Present is an appeal by the Claimant seeking for enhancement of the award.
2. Since there was no representation on behalf of the appellant, this Court considering the fact that the appeal is of the year 2011, took the assistance of Mr. Ritesh Verma, Advocate for disposal of the appeal.
3. The challenge in the present is the award dated 03.02.2011, passed by the Motor Accident Claims Tribunal, Dhamtari, Chhattisgarh, in Claim Case No. 112/2010. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.50,900/- with interest @ 6% per annum.
4. The contention of the counsel for the appellant is that the Claimant in the instant case had not been provided compensation for the disability that has been caused to him. It was further submitted that

the Claimant in the instant case has examined himself and has also led the evidence of the Dr. Mousam Jefferin from Dhamtari as a witness No. NAW-3. He has categorically deposed before the Tribunal that the injury had resulted in 24% of permanent disability. Exhibit P/67 is the certificate in this regard.

5. Perusal of record would show that no compensation has been awarded for the disability part, and thus prayed for the suitable enhancement of the compensation. There does not seem to be any evidence available on record to disprove the version of the Doctor of that matter of the Claimant. This Court assesses the monthly income of the injured at Rs.5,000/- as assessed by the Tribunal.
6. Further, keeping in view the decision of the Hon'ble Supreme Court in the case of ***“Rajkumar vs. Ajay Kumar and Another” (2011) 1 SCC 343***, this Court holds that the Claimant in the instant case must have been suffering from only 6% of the total disability, as 24% is the functional disability caused at the place of injury. We proceed to quantify the compensation accordingly. Assessing Rs.5,000/- as his monthly income, which comes to Rs.60,000/- yearly. If we add 40% to Rs.5,000/- of the said amount towards the future prospects, the amount would come to Rs.2,000/-, thus it is Rs.7000/- a month and 84,000/- annually, of which if we take 6% as a disability towards the loss of earning capacity, the amount comes to Rs.5040/-, which if multiplied applying the multiplier of 17, the amount comes to Rs.85,680/-. It is ordered that the Claimant shall be entitled for an additional amount of Rs.85,680/- in addition to what has already been awarded by the Tribunal to make the total compensation

payable at Rs.1,36,580/-. The enhanced amount shall also carry interest at the same rate as awarded by the Tribunal.

7. The appeal thus stands allowed and disposed of.
8. This Court extends a word of appreciation to Mr. Ritesh Verma, Advocate for assisting the Court in disposal of the appeal.
9. Let a copy of this order be sent to the Secretary, District Legal Services Authority, Dhamtari, Chhattisgarh, who, in turn, may make all endeavors in serving the copy of this order to the appellant/Claimant at the earliest.

Sd/-
(P. Sam Koshy)
Judge

Ved