

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 112 of 2012**

Santosh Kumar Chandrakar S/o Late Dallu Ram Chandrakar, Aged about 30 years, Caste Kurmi, Occupation Clerk Of Brick Factory R/o Village Arand (Monhadi) Police Station Mahasamund, Tahsil & District Mahasamund Chhattisgarh

---- Appellant**Versus**

1. Sunil Kumar Soni S/o Kayaram Soni, Aged about 19 years, R/o. Behind PHE Office, Mahasamund, Govt. Quarter No.21, Police Station Mahasamund, Tahsil and District Mahasamund Chhattisgarh (Driver)
2. Smt. Uma Soni, W/o. Late Shri K.R. Soni, Aged about 45 years, R/o. Behind PHE Office, Mahasamund, Tahsil and District Mahasamund, Chhattisgarh (Owner)

---- Respondents

For Appellant/Claimant	:	Mr. A.D. Kuldeep, Advocate
For Respondents	:	Mr. Roop Naik, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/02/2018**

1. The present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 22.10.2011, in Claim Case No.6/2011, passed by the Motor Accident Claims Tribunal, Mahasamund, Chhattisgarh.
2. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.43,500/- with interest @6% per annum from the date of application.
3. The counsel for the appellant submits that considering the nature of injury sustained by the appellant, the amount of compensation awarded is too meagre and the same deserves for suitable enhancement. He submits that the Doctor was also examined and

the Doctor has certified the disability to be 50% and accordingly he should have been granted suitable compensation.

4. Per contra, Mr. Roop Naik, Advocate appearing for the respondents submits that he being Owner also challenged the impugned award by filing a cross-objection/appeal under Order 41 Rule 22. He submits that the Tribunal has wrongly fastened the liability of payment of compensation against the respondents, whereas the Claimant was himself responsible for the accident and for which the present respondents should not have been fastened with the liability. He submits that there is also no sufficient proof of the vehicle belonging to the respondents involved in the accident and thus prayed for allowing of the cross-objection and rejection of the appeal of the Claimant and also setting aside of the impugned award.
5. Having considered the rival contentions put for on either side and on perusal of record, so far as the cross-objection filed by the respondents is concerned, this Court does not find any sufficient evidence led by the respondents to substantiate their contentions. In the absence of any sufficient evidence on their part, the contentions raised in the cross-objection does not sustain and the cross-objection accordingly stands rejected.
6. So far as the enhancement of the compensation is concerned, this Court considering the entire facts and circumstances of the case, particularly taking the nature of the injury, which does not appear to be too grievous, awards an additional compensation of Rs.15,000/- in addition to what has already been awarded by the Tribunal. Thus the Claimant shall be entitled for an additional amount of Rs.15,000/- in addition to what has already been awarded by the Tribunal.

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

Ved