

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 361 of 2016

Santosh @ Indrabhushan Ogre S/o Vedprasad Ogre, Aged About 25 Years, R/o Village Newsa, Out Post Junapara, Police Station Takhatpur, Tahsil Takhatpur, District Bilaspur, Chhattisgarh (Claimant).

---Appellant

Versus

1. Manjeet Singh Pannu S/o Late Gyal Singh Pannu Punjabi, Aged About 55 Years, R/o Heerapur, Raipur Police Station Amanaka, Tahsil And District Raipur, Chhattisgarh (Driver).
2. Kaiptan Singh S/o Dayal Singh, Aged About 40 Years, R/o Heerapur, Raipur, Police Station Amanaka, Tahsil And District Raipur, Chhattisgarh (Owner).
3. Bharti A X A General Insurance Company Limited, Through Branch Manager, 1st Floor, The Firm Icon, Survey No.28, Donanekundi, Bangalore- 566037, Through- Branch Manager, Branch Office Vanijya Bhawan, Devendra Nagar Road, Raipur, Tahsil And District Raipur, Chhattisgarh.

---Respondents

For the appellant	:	Shri A.L.Singroul on behalf of Shri Anil Gulati, Advocate.
For resp.No.3/Insurance Company	:	Shri P.Acharya on behalf of Shri Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/01/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 19/10/2015 passed by the learned Fifth Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Motor Accident Claim Case No. 54/2013.

2. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.70,611/- with interest @ 6% per annum from the date of application.
3. The counsel for the appellant submits that, considering the nature of injuries, particularly, the multiple fractures that the claimant had suffered, the amount of compensation awarded is too meagre. He further submits that, the Tribunal has only granted compensation towards the medical expenses and the miscellaneous expenses sustained, but has not awarded any compensation towards the disability part and thus prayed for suitable enhancement of the award.
4. The counsel for the respondent No.3/Insurance Company however opposing the appeal submits that, from the nature of the evidence it appears that, the claimant did not sustain any grievous injuries, nor the claimant appears to have suffered any major disability and therefore the amount of compensation awarded is just and reasonable and it does not warrant any interference and prayed for rejecting the appeal.
5. Having heard the contentions put forth on either side and on perusal of record, particularly, the evidence which have come on record it would reflect that, the claimant had sustained fracture of his right leg and right hand so also received injuries on other parts of the body and that he was also hospitalized for about 8 days. The doctor who had treated him was also examined before the Court i.e. Dr.Lalchandani-AW/2.

6. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that, ends of justice would meet if the amount of compensation is enhanced by an additional amount of Rs.29,389/- to make the total compensation payable at Rs.1,00,000/-.

7. It is ordered accordingly that the claimant shall be entitled for total compensation of Rs.1,00,000/- instead of Rs.70,611/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.

8. The appeal thus stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit