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**HIGH COURT of CHHATTISGARH, BILASPUR****MAC No. 652 of 2014**

Rajesh Kumar S/o Vallabh Das Peryani Aged About 33 Years R/o Tamrakar Para, Takhatpur, P.S. Takhatpur, Tah. Takhatpur, Distt. Bilaspur C.G.

**---- Appellant****Versus**

1. Santosh Kumar S/o Juthel Ram Dewangan Aged About 45 Years Driver Mini Bus No. CG-10-ZA/0618 R/o Dewangan Para, Takhatpur, P.S. & Tah. Takhatpur, Distt. Bilaspur C.G.
2. Fekuram Sahu S/o Dhursay Sahu Aged About 60 Years vehicle owner, Mini Bus CG -10-ZA/0618, through Mahadev Prasad, S/o Faguram Dewangan, Age- 53 Yrs, R/o Dewangan Para, Takhatpur, Distt. Bilaspur C.G.
3. The New India Insurance Co. Ltd., Divisional Office, Bilaspur (CG). Rama Trade Centre, 2nd Floor, UTI building, Opposite Rajeev Plaza, Bilaspur (CG).

**---- Respondents**


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| For Appellant       | : | Shri A.L. Singroul, Advocate. |
| For respondent No.3 | : | Shri B.N. Nande, Advocate.    |

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**Hon'ble Shri Justice P. Sam Koshy****Judgment On Board****04.01.2018**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the claimant assailing the award dated 30.11.2013 passed by the Additional Motor Accident Claims Tribunal, Mungeli (in short, the Tribunal) in Claim Case No. 29/2012. Vide the said impugned award, the Tribunal has awarded a compensation of Rs.1,08,000/- along with interest @ 6 percent per annum from the date of application.
2. Learned counsel for the appellant submits that the Tribunal has not properly appreciated the medical expenses which have been incurred and that he had produced bills for Rs.1,05,100/- whereas the Tribunal has awarded only Rs.68,300/- towards medical expenses. He further

submits that for the disability also the Tribunal has not properly awarded the compensation and thus prayed for award to be suitably enhanced.

3. The counsel for the insurance however opposing the appeal submits that it is a case where the medical bills have been properly scrutinized and prove and only thereafter which were found to be genuine pertaining to claimant's treatment were allowed by the Tribunal and as such there is no scope of interference. So far as other compensation is concerned, that was awarded on the basis of evidence which have come on record and thus prayed for rejection of the appeal.
4. Having considered the rival contentions put forth on either side and on perusal of record, considering the evidence which have come on record it reflects that there was a fracture on the thigh bone of left leg of the claimant and for which he was hospitalized for a considerable period of time and had also undergone considerable treatment for cure.
5. Given the 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 amount Rs.25,000/- in addition to what has already been awarded making total compensation at Rs.1,33,000/- instead of Rs.1,08,000/- as awarded by the Tribunal. It is ordered accordingly.
6. The enhanced amount of compensation shall also carry same interest as has been awarded by the Tribunal.
7. The appeal stands allowed and disposed of.

**Sd/-**  
(P.Sam Koshy)  
**Judge**