

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 684 of 2016

- Setram Sao S/o Usatram Sao, Aged About 60 Years R/o Village Bhaisakhuri, Police Station Basna, District Mahasamund Chhattisgarh , Chhattisgarh

---- Appellant

Versus

1. Varun Singh Alias Ledgi S/o Gajadhar Singh Rajput, Aged About 36 Years R/o Village Kotdari, Chowki Baloda, Police Station Saraipali, District Mahasamund, Chhattisgarh Driver Of Vehicle Tractor C G 04 D T 9491 And Trolley C G 04 D T 9492, Chhattisgarh
2. Kunjbihari Gadtiya, S/o Lat Chaitran Gadtiya, R/o Navapara, Post Baloda, Police Station Saraipali, District Mahasamund, Chhattisgarh Owner Of Vehicle Tractor C G 04 D T 9491 And Trolley C G 04 D T 9492 , District : Mahasamund, Chhattisgarh
3. Royal Sundaram Alains Insurance Company, Chawla Complex, Mejanine Floor, Sai Nagad Devendra Nagar, Raipur District Raipur, Chhattisgarh.....Insurance Company Of Vehicle Tractor C G 04 D T 9491 And Trolley C G 04 D T 9492 , District : Raipur, Chhattisgarh

---- Respondent s

For the appellant : Mr. Ravi Bhagat, Advocate.
For respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

3-7-2018.

1. The claimant/appellant has preferred this appeal against the award dated 4-3-2016 passed by the Additional Motor Accident Claims Tribunal, Saraipali, District Mahasamund, (CG) in Claim Case No. 44 of 2014, wherein the said Tribunal awarded compensation of Rs.14,019/- to the appellant/claimant for injuries arising out of motor accident.
2. As per case of the claimant/appellant, on 7-7-2013, he was returning to his home from village Sinderpur by sitting on a motor-

cycle bearing registration No. CG 06 B 8530 driven by his son and when they reached near village Paisara, respondent No.1 by driving the Tractor bearing registration No. CG 04 DT 949 rashly and negligently dashed the motor cycle and badly injured the claimant. He sustained fracture in his leg and disability certificate was given in his favour by the medical expert.

3. The main issue raised by the appellant/claimant is that the tribunal awarded lesser amount of compensation which is not just compensation.
4. As there is no appeal against the finding arrived at by the Tribunal regarding negligence on the part of respondent No.1 driving the Tractor and again there is no evidence on record to show the breach of insurance contract, the only point for consideration is whether the award is just and proper.
5. As per document Ex.A/6, which is discharge certificate of the claimant from Medishine hospital, Rajendranagar, the bill amount paid was Rs.60,280/-. The appellant/claimant is entitled to recover the same. As per medical examination report Ex. A/4, claimant/appellant suffered pain and fracture of tibia fibula in his right leg. Looking to the fracture and other documents regarding treatment, it is assessed that the appellant was unable to work for six months. Loss of income can be calculated @ Rs.6000/- per month which is minimum wages prevailing at the time of

incident, that comes out to Rs.36,000/- per annum and Rs.15,000/- is awarded on the head of pain and suffering, Rs.15,000/- is awarded to on the head of transportation and special diet and Rs.15,000/- is awarded on the head of one attendant for six months, the total amount comes out to Rs.1,41,000/- and the claimant is entitled for the same.

6. Accordingly, the appeal is partly allowed. The award passed by the Tribunal is modified and it is directed that respondent No.3 Royal Sundaram Alliance Insurance Company will pay compensation of Rs.1,41,000/- to the appellant/claimant within 60 days from the date of passing of the order, failing which 9% interest per annum shall be charged. If any amount is deposited by the Insurance Company in this regard, the same shall be adjusted. The amount so deposited shall be disbursed to the claimant through transfer of fund from the account of the Tribunal.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju