

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 417 of 2015

- Sanjay Kumar Pandey S/o Shri Sharada Prasad Pandey Aged About 48 Years R/o Yadunandan Nagar, Bilaspur, Police Station- Civil Line, Distt.- Bilaspur, Chhattisgarh,

---- Appellant

Versus

1. Mohammad Rafik Ansari S/o Shri Amir Ali Ansari Aged About 42 Years R/o Yadunandan Nagar Tifara, Police Station- Civil Line, Tahsil And Distt.- Bilaspur, Chhattisgarh (driver of Tata Magic No. CG 10 C 3583)
2. Mohammad Safik Ansari S/o Shri Amir Ali Ansari R/o Yadunandan Naar Tifara, Police Station- Civil Line, Tahsil And Distt.- Bilaspur, Chhattisgarh (owner of Tata Magic No. CG 10 C 3583)
3. Reliance Insurance Company Limited The Manager, Ravi Bhawan, Shop No. 412, 413, Forth Floor, Jai Stambh Chowk, Raipur, Distt.- Raipur, Chhattisgarh. (Insurer of Tata Magic No. CG 10 C 3583)

---- Respondents

For Appellant	:	Shri RR Soni.
For Respondent No.3	:	Shri Sourabh Sharma, Advocate. on the direction of the Court.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

01/12/2018

The appellant/claimant by filing this appeal u/s 173 of the Motor Vehicles Act, 1988 is seeking enhancement of the amount of compensated awarded by II Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.363/2014 vide award dated 28.2.2015.

02. Claimant's case in brief is that on 4.3.2011 while he was going on his scooter bearing No. CG 11 B 6981 at around 10 pm, non-

applicant No.1 by driving offending vehicle Tata Magic No.CG 10 C 3583 in a rash and negligent manner, dashed the vehicle of the claimant as a result of which the claimant suffered grievous injuries on his legs, hands and shoulders and remained hospitalized from 5.3.2011 till 10.3.2011 and got permanent disabled.

03. On claim petition being filed by the claimant u/s 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties, granted a total compensation of Rs.94,803/-, fastening liability on the non-applicant No.3/insurance company. However, it was ordered that if the said amount is not deposited within 60 days from the date of award, the same shall carry interest @ 6% pa from the date of award till realization.

04. Learned counsel for the appellant/claimant submits that for future treatment, sufficient amount has not been awarded by the Tribunal whereas looking to the injuries suffered by the claimant, there is all possibility that in future he would need at least Rs.20,000/- for his treatment. Further, the Tribunal has not granted any amount towards attendant. Lastly, he submits that the Tribunal has also committed illegality in awarding interest from the date of award if the amount is not paid within 60 days from the date of award whereas it should have been from the date of application till realization.

05. On the other hand, learned counsel for the respondent No.3 supports the impugned award and submits that the Tribunal considering all the aspects of the matter has rightly granted compensation which needs no enhancement by this Court.

06. Having heard learned counsel for the parties and perused the material available on record, looking to the fact that rod was inserted in claimant's leg and as per Ex.P/17, surgery was done in Apollo Hospital, this Court grants Rs.10,000/- towards future treatment and Rs.2500/- for attendant. Further, interest on the entire compensation shall be @ 6% per annum from the date of application till realization.

07. In the result, the appeal is allowed in part. The impugned award is hereby modified to the extent that the appellant/claimant shall be

entitled for additional compensation of Rs.12,500/-. This additional amount of compensation and the amount awarded by the Tribunal shall carry interest @ 6% per annum from the date of application till realization. However, rest of the conditions of the impugned award shall remain intact.

Sd/

(Gautam Chourdiya)

Judge