

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 1194 of 2016

Rakesh @ Pintu Yadav S/o Tirath Ram Yadav, aged about 25 years,
R/o village Near Laxmi Chowk Chingrajpara, P.S.Sarkanda, Tahsil and
District Bilaspur (C.G.).

---Appellant

Versus

1. Ganesh Bhardwaj S/o Awadh Ram Bhardwaj, R/o village Bharat Pipara Ward No.11, Purani Basti Akaltara, PS Akaltara, District Janjgir-Champa (C.G.) (Driver of offending vehicle Scorpio No.CG-04-HA-4653).
2. Manager S.K.S. Mahanadi Power Co.Ltd., R/o C.S.Ashok Ratan Complex, Shankar Nagar, Raipur, District Raipur (C.G.) (Owner of offending vehicle Scorpio No.CG-04-HA-4653).
3. Reliance General Insurance Company Limited, Through Branch Manager, Branch Office Ravi Bhawan, Shop No.412, 413, Near Jai Stambh Chowk, Raipur, Tahsil & District Raipur (C.G.) (Insurer of offending vehicle Scorpio No.CG-04-HA-4653).

---Respondents

For appellant	:	Shri A.L.Singroul, Advocate.
For respondent No.2	:	Shri Ashish Shrivastava along with Shri Afroz Khan, Advocates.
For respondent No.3/ Insurance Company.	:	Shri Saurabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/02/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 26/03/2016 passed by the learned Motor Accident Claims Tribunal, Bilaspur (C.G.) in Motor Accident Case No. 01/2013.

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.3,00,000/- with interest @ 9% per annum.
3. The counsel for the appellant/claimant submits that, the Tribunal has not properly assessed the disability part which the claimant has suffered and thus prayed for suitable enhancement of the award.
4. The counsel for the Insurance Company however opposing the appeal submits that, the amount of compensation taking into consideration the evidence which have come on record is just and reasonable and does not warrant any interference and thus prayed for rejection of the appeal.
5. Having heard the contentions put forth on either side and on perusal of record, considering the nature of injury sustained by the claimant, the pain and suffering and agony which he has undergone during treatment and also the disability which he has suffered, 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.50,000/- to make the total compensation payable to the claimant at Rs.3,50,000/-. It is ordered accordingly that, the claimant shall be entitled for a total compensation of Rs.3,50,000/- instead of Rs.3,00,000/- as awarded by the Tribunal. The said enhanced amount shall also carry interest at the same rate as has been awarded by the Tribunal.
6. The appeal stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE