

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1517 of 2018**

1. Sonu Prajapati S/o Karmu Prajapati, aged about 25 years, Caste- Khumhar, Occupation- Peon, Government High School, Gajma, R/o Village- Manora, Tahsil- Manora District- Jashpur (C.G.).

---- Appellant**Versus**

1. Ravirantna Lakda S/o Bonifas Lakda @ Junus, aged about 21 years, Occupation- Driver, R/o Village- Lukhi, Police Out Post- Manora, P.S.- Jashpur District- Jashpur (C.G.).
2. Sister Meti Disuza, aged about 50 years, Profession- Director, Health Center, Yoyti Niwas, Jashpurnagar, R/o Village- Near Girls College, Tahsil and District- Jashpur (C.G.).

---- Respondents

For Appellant	: Shri S. S. Painkra, Advocate
For Respondent No.1.	: Shri Deepak Gupta, Advocate
For Respondent No. 2.	: Ms. Binu Sharma, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board

29.11.2018

This is claimant's appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal Jashpur C.G. in claim case No. 08/2016 vide award dated 17.07.2018.

2. Facts of the case leading to filing of claim petition are that on the fateful day i.e. 11.02.2014 when claimant- Sonu Prajapati was going to his duty on motorcycle bearing registration No.CG15CJ/5505, respondent No. 1- Ravi Ratan Ladka, driver of offending vehicle, while driving the offending vehicle Jeep bearing registration No. OR 15-A-8519 dashed the

said motor cycle, as a result of which, appellant sustained multiple injuries including fractures on his right leg.

3. As against compensation of Rs. 30,54,000/- claimed by the appellant/claimant by filing claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') for the injuries sustained in the motor accident on 11.02.2014, the Tribunal awarded a total sum of Rs. 32,173/- as compensation along with interest @ 6 percent per annum from the date of application till its actual payment to the appellants/claimants.

4. The Tribunal, on a close scrutiny of the evidence, held : the accident had occurred due to rash and negligent driving of driver of the offending vehicle who dashed the motorcycle of the appellant in a rash and negligent manner, he sustained multiple injuries. Learned Tribunal, after considering the material available on record awarded aforesaid sum as compensation in favour of appellant; further held that respondents No. 1 & 2 jointly and severally liable to pay compensation to the claimant.

5. Learned counsel for the Appellant/Claimant would submit that the Tribunal has fallen in error in awarding amount under the head of loss of income for four months as according to the statement of the claimant AW-1, he is undergoing treatment and bed rest for about five months and, therefore, the Tribunal should have considered the amount under the head of loss of income for four months in place of five months. He submits the Tribunal has further erred in not awarding any sum towards special diet and attendant to the claimant and thereby, has fallen in error in awarding low amount of compensation.

6. Learned counsel for the Respondents 1 and 2 and, however, oppose the appeal and submits that the learned Tribunal has rightly as-

essed the amount toward all the head given to the appellant, therefore, it does not call for any interference in the instant award.

7. I have heard learned counsel appearing for the parties and perused the impugned award including the record of Claims Tribunal.

8. It is clear from the record that accident happened on Kalabhel forest and thereafter treatment provided in the district hospital Jashpur and thereafter claimant was shifted for further treatment to Ambikapur Hospital, therefore, it would be appropriate to award the amount under the head of transportation as Rs. 2,000/- and for the head of attendant as Rs. 2,000/- and further looking to the period of treatment it would be just and proper to award Rs. 5,000/- towards loss of income during treatment.

9. Since, the Tribunal has already awarded a sum of Rs. 32,173/- the claimant is entitled for an additional compensation of Rs. 9,000/-. This additional amount shall carry interest at the rate of 6% per annum from the date of claim application till its realization. The award is modified to the above extent. Rest of the conditions of the award shall remain intact.

10. The respondent No. 1 & 2 jointly and severally granted one months' time to deposit enhanced amount of compensation of Rs. 9,000/- along with interest before the concerned Tribunal. No order as to costs.

Sd/-

(Gautam Chourdiya)
Judge