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HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal (Civil) No. 66 of 2019

- Surajlal Toppo, S/o Nistar Toppo, aged about 25 years, Caste-Uraon, Occupation- Agriculture, R/o Village Bakirma, P.S. Gandhinagar, Ambikapur, Tahsil and District Surajpur (C.G.)

---- Appellant/Claimant

Versus

1. Aftab Khan, S/o Nesar Khan, Aged about 25 years, R/o Village Tengni, Police Station Patna, District Koriya (C.G.)
2. Mohd. Israil, S/o Mohd. Iqbal, aged about 42 years, R/o Village Patna, Bazarpara, District Koriya (C.G.)
3. United India Insurance Company Limited, Through: Branch Manager, Branch Office at Bramh Road, Ambikapur, District Sarguja (C.G.)

---- Respondents

For Appellant	:	Shri Atanu Ghosh, Advocate
For Respondents	:	None

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment on Board

23.01.2019

Heard on admission.

This is claimant's appeal seeking enhancement of compensation awarded by the Third Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur (C.G.) in MACT No. 124 of 2016 vide award dated 12.10.2018.

2. As against compensation of Rs.5,40,000/- claimed by the Claimant by filing claim application under Section 166 of the Motor Vehicles Act, 1988 for injury sustained by him in the motor accident on 10.12.2012, the Tribunal awarded a total sum of Rs.46,410/- along with simple interest @ 9% per annum from the date of claim application till its actual payment.

3. The Tribunal, on close scrutiny of the evidence led held that the accident had occurred due to rash and negligent driving of Commander Jeep bearing registration No. CG-16/ZD/1269 by its driver-Aftab Khan/Respondent No.1, Appellant-Surajlal Toppo sustained grievous injury in the said accident. The Tribunal has directed that the Insurance Company/Respondent No.3 is liable for payment of compensation to the Claimant.

4. Learned counsel for the Appellant/Claimant submits that the Appellant was hospitalized for a long time, but very low amount has been awarded by the Tribunal on the heads of attendant, conveyance, diet etc, therefore, the Tribunal has fallen in error in awarding only Rs.46,410/- as compensation, which deserves to be suitably enhanced.

5. I have heard the learned counsel for the Appellant and perused the record of the Tribunal including award impugned.

6. Admittedly, the Appellant/Claimant was hospitalized from 10.12.2012 to 20.12.2012 i.e. 11 days and has not submitted any medical bill towards his treatment. As per Ex.-P/5, bill of Rs.110/-, which was deposited by Appellant as discharge amount and that amount was considered by the Tribunal. In addition to that the Tribunal has awarded Rs.1650/- for attendant during the period of hospitalization of the Appellant, Rs.5000/- for conveyance, Rs.1650/- for special diet, Rs.18,000/- for loss of income about three months and Rs.20,000/- for pain and suffering. Therefore, the Tribunal considering all the relevant aspects of the matters and has rightly awarded total compensation of Rs.46,410/- to the Appellant/Claimant, which needs no interference by this Court.

7. For the foregoing reasons, the appeal filed by the Appellant/Claimant for enhancement of compensation is, therefore, liable to be and is hereby dismissed at the motion stage itself.

8. No order as to costs.

Sd/-

(Gautam Chourdiya)
Judge