

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MAC No. 331 of 2014**

- Hemant Soni S/o Janak Soni Aged About 25 Years R/o Near Rajiv Gandhi Shiksha Mission, Ward No. 08, Lormi, P.S. And Tah. Lormi, Distt. Bilaspur C.G.,

**---- Appellant/claimant**

**Versus**

1. Gajendra Prasad Tiwari S/o Milan Prasad Tiwari Aged About 43 Years R/o Gandhidih, P.S. Lormi, Distt. Bilaspur C.G.
2. Reliance General Insurance Company Ltd. Through Branch Manager, Office Transport Nagar, Main Road, Korba, Distt. Korba C.G.

**---- Respondents**

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|---------------------|---|--------------------------------|
| For Appellant       | : | Shri Anand Shukla, Advocate.   |
| For Respondent No.1 | : | None                           |
| For Respondent No.2 | : | Shri Saurabh Sharma, Advocate. |

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**Hon'ble Shri Gautam Chourdiya, J**

**Judgment On Board**

**16/01/2019**

This appeal is by the claimant against the award 18.12.2013 passed by Additional Motor Accident Claims Tribunal, Mungeli in Claim Case No.66/2011 awarding total compensation of Rs.70,000/- with interest @ 6% per annum from the date of application till realization, fastening liability on non-applicant No.2/insurance company.

02. As per claim petition, on 5.9.2010 while the claimant was going on motorcycle as a pillion rider, non-applicant No.1 Gajendra Prasad by driving Maruti Van bearing No. CG 10/0343 in a rash and negligent manner, dashed the said motorcycle from opposite direction as a result of which the claimant suffered grievous injuries.

03. On claim petition being filed by the claimant under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.

04. Learned counsel for the appellants/claimants submits that the learned Tribunal did not properly assess the income of the claimant, the medical expenses and as such, the amount awarded by the Tribunal being very much on the lower side deserves to be enhanced suitably.

05. On the other hand, learned counsel for the respondent/insurance company supports the impugned award and submits that the Tribunal considering all the relevant aspects of the matter has rightly awarded compensation, which needs no interference by this Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. Having heard learned counsel for the parties, having gone through their pleadings, the evidence, oral and documentary, adduced by them, the medical documents and all relevant aspects of the matter, this Court finds that the amount awarded by the Tribunal cannot be said to be on the lower side. However, looking to the injury suffered by the claimant, it would be in the interest of justice to award him Rs.5,000/- towards loss of one month's income during the relevant period.

08. In the result, the appeal is allowed in part. The appellant/claimant is held entitled for additional compensation of Rs.5000/- with interest @ 6% per annum from the date of application till realization. The award impugned stands modified to the above extent only. However, rest of the conditions of the award shall remain intact.

Sd/

**(Gautam Chourdiya)**

**Judge**