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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 277 of 2019**

1. Saubhagya Dubey, Son of Shri Girja Prasad Dubey, aged about 29 years, Occupation Journalist and Manager, R/o Village Patrapali, Police Station and Tahsil Ramanujnagar, District Surajpur, C.G.

---Appellant**Versus**

1. Masidul Hasan, S/o Khamheer Hasan, Caste Musalman, aged about 27 years, Occupation Driver, R/o Village Parshurampur, Police Station and Tahsil Ramanujnagar, District Surajpur, C.G.
2. Bhagwat Prasad Gupta, S/o Umashankar Gupta, aged about 50 years, Vehicle No. CG15/A/6303, R/o Main Road, Surajpur, Police Station and Tahsil Surajpur, District Surajpur, C.G.
3. Shriram General Insurance Company Limited, through Branch Manager, Shriram Transport Finance Company Limited, Ambikapur, C.G.

---- Respondents

For Appellants

Shri Ashok Kumar Shukla, Advocate.

For Respondents

None.

Hon'ble Shri Justice Gautam Chourdiya**Judgment on Board****05/02/2019**

1. Heard on **I.A. No.1**
2. This is an application for condonation of delay of 46 days in filing the MAC.
3. For the reasons mentioned in the application which is duly supported by affidavit, the same is allowed and delay in filing the MAC is condoned.
4. Also, heard on admission.
5. This appeal is by the claimant/injured against the award dated

25.08.2018 passed by 2nd Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur, C.G. in Claim Case No.41/12 awarding total compensation of Rs.53,689/- with interest @ 9% per annum from the date of application till realization, fastening liability on the Insurance Company/non-applicant no.3.

6. As per claim petition, on 12.05.2011, claimant/injured- Saubhagya Dubey, 29 years, earning Rs.10,000/- per month as Journalist and Manager in construction company, sustained grievous injuries in the motor vehicular accident caused due to rash and negligent driving of Bus bearing no.CG15-A-6303 by non-applicant No.1/respondent no.1. At the time of accident, offending vehicle was owned by non-applicant no.2/respondent no.2 and insured with non-applicant no.3/respondent no.3.
7. On claim petition being filed by the claimant/injured under Section 166 of the Motor Vehicles Act for compensation to the tune of Rs.5,00,000/-, the Tribunal considering the evidence led by both the parties passed an award as mentioned in para 1 of this judgment.
8. Learned counsel appearing for the appellant submits that the amount of compensation awarded by the Tribunal is shockingly on lower side, which deserves to be suitably enhanced.
9. I have heard learned counsel for the appellant and perused the award impugned.
10. Considering the pleadings of the claimant with respect to his earning, injuries and other miscellaneous expenses incurred

by him during treatment and the quality evidence adduced in support thereof, this Court is of the opinion that the Tribunal after due appreciation of the over all evidence adduced by the parties has rightly awarded a sum of Rs.18,000/- towards loss of income for four months, Rs.13,500/- for attendant, Rs.2,189/- towards treatment and medicine, Rs.10,000/- towards mental agony, pain and suffering and Rs.10,000/- towards transportation and diet and thus awarded Rs. 53,689/- which needs no enhancement by this Court.

11. In the result, appeal being without any substance is liable to be dismissed at the admission stage itself and is, accordingly, dismissed.

Sd/-
Gautam Chourdiya
Judge

Akhilesh