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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 557 of 2017**

1. Bhorelal, S/o Kariman, aged about 54 years, R/o Village Budhar, Thana Patna, District Korla, At present R/o Teena Dafai, Charcha Colliery, Thana Charcha, Tahsil Baikunthpur, District Korla, C.G.

--Appellant/Claimant**Versus**

1. Syamlal Vishvakarma, S/o Dhanpat Ram Vishvakarma, aged about 25 years, R/o Village Naungai, Thana Tahsil District Surajpur, C.G.
2. Jhajhariya Niram Private Ltd, Jhajhariya Bhavan, Ring Road, Manendragarh, District Korla, C.G.
3. Regional Manager, National Insurance Company Ltd., Branch Office Mobin Mahal, 2nd Floor, G.E. Road, District Raipur, C.G.

---- Respondents

For Appellants	:	Shri Samir Singh, Advocate.
For Respondent No.3	:	Shri P.K. Tulsyan, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****22.01.2019**

1. This appeal is by the claimants against the award dated 06.02.2017 passed by Motor Accident Claims Tribunal, Baikunthpur, District Korla, C.G. in Claim Case No.55/2015 awarding total compensation of Rs.40,000/- with interest @ 6 per annum from the date of application till realization, fastening liability on the non-applicant no.3/Insurance Company.
2. The Tribunal, on a close scrutiny of the evidence led by both the parties held that accident had occurred due to rash and negligent

driving of motorcycle bearing no.CG16/CB/2549 by its driver – respondent no.1 Syamlal, as a result of which injured/claimant sustained grievous injuries on his body. At the time of accident, offending vehicle was owned by respondent No.2 and insured with respondent no.3.

3. On claim petition being filed by the claimant/injured under Section 166 of the Motor Vehicles Act to the tune of Rs.17,50,000/-, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.
4. Learned counsel for the appellant/claimant submits that learned Tribunal has not awarded any amount towards special diet, attendant, conveyance and loss of earning during treatment and even thereafter for about 4-5 months. He further submits that head injury is also caused to the claimant/injured and blood clotting was found in the Brain by the Doctor, However, all this has not been considered by the learned Tribunal, therefore, the compensation needs to be enhanced suitably.
5. 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 matters has rightly awarded compensation which needs no interference by this Court.
6. Heard learned counsel for the parties and perused the material available on record.
7. Definitely in this case Tribunal has awarded Rs.40,000/- towards pain and suffering only but looking to the gravity of injury, long

treatment undergone by the claimant, as per Ex.P-21 report of the concerned department of Neurosurgery, which goes to show that the injuries suffered by the claimant had adverse effect on his health in future and, therefore, he has to avoid certain activities as also to have further treatment in case of emergency described in the said report and also keeping in view the fact during his long treatment the claimant must have needed an attendant, incurred expenses towards special diet, conveyance and also would need future treatment, this Court is of the opinion that a lumpsum amount of Rs.1,00,000/- would be just and proper compensation in this case.

8. Since the Tribunal has already awarded Rs.40,000/-, after deducting the same from the above amount, the claimant/injured is held entitled for additional compensation of Rs.60,000/- with interest @ 6% per annum from the date of application till realization. However, rest of the conditions of the impugned award shall remain intact.
9. In the result, the appeal is allowed in part with modification in the impugned award to the above extent.

Sd/-
(Gautam Chourdiya)
Judge