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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1244 of 2017**

1. Geeta Duggad, wife of Shri Rajendra Duggad aged about 60 years, resident of Aamapara, Dhamtari, District- Dhamtari (C.G.).

---- Appellant/Claimant**Versus**

1. Dubey Travels, Proprietor Shri Bhawesh Dubey son of Manil Dubey, aged about 48 years, Residence of Hira Complex New bus stand, Pandri, (C.G.), Raipur (C.G.),
2. The Oriental Insurance Co. Ltd, Branch Manager, Branch Office Dhamtari, and District- Dhamtari (C.G.). (Insurance Company).

---- Respondents

For Appellants	: Shri Anjinesh Shukla, Advocate.
For Respondent No.2	: Shri R. N. Pusty, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****27.06.2019**

This appeal is by the claimant against the award dated 27.01.2017 passed by Additional Motor Accident Claims Tribunal, Dhamtari, (C.G.) in claim case No. 85/2016 awarding total compensation of Rs. 29,946/- with interest @ 6% per annum from the date of application till realization, fastening liability on non-applicants jointly and severally.

02. As per claim petition, on 29.08.2015, Smt. Geeta Duggad was returning from Raipur to Dhamtari sitting in bus bearing CG04-E/3682, the driver of the said vehicle (bus) by rash and negligent driving dashed the tree, due to this accident the claimant sustained grievous injuries. The vehicle is owned by non-applicant No. 1- Dubey Travels through proprietor Shri Bhawesh Dubey and insured with Non-applicant No. 2- The Oriental Insurance Company Ltd.

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 appellant/claimant 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, the medical documents and all relevant aspects of the matter, this Court finds that the amount awarded by the Tribunal appears to be on the lower side. Therefore, considering the facts & circumstance of the case, the gravity of the injuries suffered by the claimant, her age and evidence before the Tribunal that due to injuries suffered by her in the accident she is still having pain in the body which has not been controverted by the non-applicant in the cross-examination, and the minimum wages at the relevant time, this Court is of the opinion that the claimant is entitled of the compensation in the following manner:

Sl. No.	Heads	Calculation (in rupees)
01.	Towards loss of income for one month	Rs. 6,000/-
02.	Towards pain & suffering	Rs. 15,000/-
03.	Towards special diet, conveyance and other heads	Rs. 10,000/-
04.	Towards reasonable enjoyment in life	Rs. 5,000/-

05.	Towards medical expenses	15,946/-
	Total :	51,946/-

08. In the result, the appeal is allowed in part. Since the Tribunal has awarded Rs.29,946 /-, after deducting the same from the above amount, the appellant/claimant is held entitled for additional compensation of Rs. 22,000/- 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