

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 754 of 2019**

- Alok Dubey S/o Jagdish Dubey Aged About 40 Years R/o House Of Dr. J.P. Dubey, Near Post Office, Rajendra Nagar, Police Station Kotwali, District Bilaspur Chhattisgarh.

----Appellant**Versus**

1. Rajkumar Jaiswal S/o Asrafi Lal Jaiswal Aged About 37 Years R/o Laxminagar, Near Manju Kirana Stored, Behind Goldern Marbal, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh. (Driver of Offending Vehicle Hiwa Truck Bearing Registration No. CG-08-B-2560)
2. Rashid Khan S/o Abdul Rafique Khan Aged About 40 Years R/o Saket Kothari, Ramdhin Marg, Rajnandgaon Chhattisgarh. (Owner Of Offending Vehicle Hiwa Truck Bearing Registration No. Cg-08-B-2560)
3. Divisional Branch Manager, Through Ifco Tokiyo General Insurance Company Limited, Through Address / Office MM Tower, Ring Road No. 1, Police Station Rajendra Nagar, Tahsil And District Raipur Chhattisgarh. (Insurer Of Offending Vehicle Bus Bearing Registration No. CG-08-B-2560)

---- Respondents

For Appellant	Shri C.R. Sahu, Advocate.
For Respondents	None.

Hon'ble Shri Justice Gautam Chourdiya**Judgment on Board**

16/04/2019

1. Heard on admission.
2. This is claimant's appeal seeking enhancement of compensation awarded by the 2nd Additional Motor Accidents Claims Tribunal, Raipur of 1st Additional Motor Accident Claims Tribunal, Raipur, District Raipur, C.G. (for short 'the Tribunal') in claim case No.114/2016 vide award dated 13.12.2018.

3. As against compensation of Rs.14,80,000/- claimed by the appellant/claimant by filing claim application under Section 166 of the Motor Vehicles Act, 1988 (henceforth 'the Act') for the injuries sustained by him in the motor accident on 25.02.2015, the Tribunal awarded a total sum of Rs.1,13,072/- along with interest at the rate of 7.5% per annum from the date of claim application till its actual payment, fastened liability upon non-applicant nos. 1 & 2 jointly and severally.
4. The Tribunal, on close scrutiny of the evidence led by both the parties held that the accident had occurred due to rash and negligent driving of Hyva bearing registration No.CG08-B-2560 by its driver – Rajkumar Jaiswal i.e., respondent No.1 herein, appellant/claimant sustained injuries in the said accident. At the time of accident, offending vehicle was owned by non-applicant no.2 and insured with non-applicant no.3.
5. 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.
6. I have heard learned counsel for the appellant and perused the award impugned.
7. In the accident, the appellant, aged about 44 years, suffered grievous injuries on his head and ear and no any permanent disability is proved by the claimant. The Tribunal considered a sum of Rs.94,072/- towards medical bills looking to the Ex.P-7 to

Ex.P-11 and Ex.P-17 to P-127, awarded Rs.7000/- for pain and suffering, awarded Rs.7,000/- for special diet and awarded Rs.5,000/- for conveyance and thus has awarded total sum of Rs.1,13,072/-. Thus, considering the nature of injuries sustained by the claimant, the physical and mental hardship caused to him, the pleadings of the claimant and the evidence adduced by him, this Court is of the opinion that the amount of Rs.1,13,072/- awarded by the Tribunal as compensation cannot be said to be on the lower side warranting interference by this Court in the instant appeal.

8. For the foregoing reasons, the appeal filed by the appellant for enhancement of compensation is, therefore, liable to be and is hereby dismissed at admission stage.
9. No order as to costs.

Sd/-
Gautam Chourdiya
Judge