

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 938 of 2013

Bajrang Gupta, S/o Bhola Prasad Gupta, Aged About 10 Years, Minor, Thru-Father Bhola Prasad Gupta, S/o Shri Badri Prasad Gupta, Age- 35 Yrs, R/o Darbari Toli, Jashpur, P.S. Jashpur, Tah. And Distt. Jashpur, Chhattisgarh

---- Appellant

Versus

1. Rajendra Prasad Vishwakarma, S/o Shri Keshav Prasad, Aged About 22 Years, Occupation – Driver, Caste – Lohar, R/o Village - Chadiya, Tah. Manora, P.S. Jashpur, Distt. Jashpur, Chhattisgarh
2. Chhandu Ram, S/o Kandarua Ram, Aged About 70 Years, Occupation – Vehicle Owner, Caste – Uranv, R/o Luikona, P.S. Jashpur, Tah. And Distt. District : Jashpur, Chhattisgarh

---- Respondents

For Appellant : Shri Arvind Sinha, Adv.
For Respondent No. 2 : Shri J.K. Saxena, Adv.

Hon'ble Smt Justice Rajani Dubey

Order On Board

25/01/2019

1. This appeal arises out of the award dated 08.08.2013 passed by Motor Accident Claims Tribunal (for short the "Tribunal"), Jashpur (C.G.), in Claim Case No.33/2012 awarding a compensation of Rs.25,000/- in favour of the appellant/claimant with interest at the rate of 8% per annum.

2. Facts of the case in brief are that on 22/02/2012, appellant/claimant was going on his bicycle, when he was turning to approach Mahavir Temple, a tractor bearing registration No. CG-14-A-1250 and trolley No. CG-14-A-1252,

which was driven by respondent No.1 Rajendra Prasad herein, rashly and negligently came and dashed him, as a result of which, he sustained grievous injuries on his left eyes, chest, head, testicle and hand. The appellant/claimant was hospitalized in Guru Nanak Hospital and Research Center, Ranchi. A claim case was filed by the appellant/claimant claiming compensation of Rs.37,92,412/-. It has been pleaded that due to the said incident, the claimant is unable to perform his day to day work.

Respondents contested the claim denying the claim of the claimant, however, the Tribunal awarded compensation of Rs.25,000/- in favour of the claimant/appellant.

3. Counsel for the appellant/claimant submits that the compensation awarded by the Tribunal in all the heads is on lower side and needs to be enhanced suitably. It has been further argued that the learned Tribunal has erred in granting no compensation for future expenses in treatment. It has been also argued that the Tribunal has awarded very negligible compensation for the injuries sustained by the claimants, therefore, amount of compensation awarded by the tribunal is liable to be enhanced.

4. Learned counsel for the Respondents supports the award impugned and submit that the compensation awarded by the Tribunal is just and proper.

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

6. Admittedly, the insurance company has not preferred any appeal and thus it can be held that they have not disputed the accident and injuries suffered by the claimant Further, amount awarded by the Tribunal under the head transportation and special diet is on the lower side. Once the respondent did not dispute the accident and the injuries suffered by the appellant/claimant; the claimant/appellant is entitled for compensation under the head transportation, special diet and pain and suffering, as he has claimed in the present appeal.

7. Thus, keeping the view in all the above things, this Court is of the view that the amount awarded by the Claims Tribunal is on lower side and requires reconsideration. The claimant/appellant is entitled for compensation in the following manner :-

Head	Amount awarded	Amount enhanced
For suffering grievous injuries, Special Diet, pain and suffering	Rs.2,270/-	Rs.15,000/-
For Medical Expenses	Nil	Rs.30,000/-
For Expenses on medicine	Rs.19,175/-	Nil
For transportation and conveyance	Rs.3,555/-	Rs.5,000/-
For loss of income	Nil	Rs.10,000/-
For future treatment	Nil	Rs.15,000/-
	Total	Rs.75,000/-

8. Appeal is thus allowed in part with the modification in the award impugned as indicated above.

Sd/-
(Rajani Dubey)
Judge