

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 990 of 2014**

- Mohan Lal S/o Alakh Ram Aged About 42 Years, By Caste Satnami, R/o At Present Mundapar, Korba, Permanent R/o Umedibhata, Korba, P.S. City Kotwali, Distt. Korba C.G.

----Appellant**Versus**

1. Ratnesh Pandey S/o Ramkhilawan Pandey Aged About 25 Years R/o Bhilai Bazar, Thana Kusmunda, Distt. Korba C.G.
2. Sona Lal S/o Bisram Sai Aged About 56 Years R/o Bhilai Bazar, Thana- Kusmunda, Distt. Korba C.G.

---- Respondents

For Appellant
For Respondent No.2

Shri Kalpesh Ruparel, Advocate.
Shri Malay Shrivastava, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board

13/05/2019

This appeal is by the claimant/injured against the award dated 07.04.2014 passed by the Motor Accident Claims Tribunal, Korba, District Korba, C.G. in Claim Case No.174/11 awarding total compensation of Rs.30,000/- with interest @ 6% per annum from the date of application till realization, fastening liability on the non-applicant nos. 1 & 2 jointly and severally.

02. As per claim petition, on 22.02.2010, claimant/injured Mohan Lal, aged about 42 years, earning Rs.23,937/- per month as Welder in SECL, sustained grievous injuries on his body resulting into permanent disability to the extent of 15% due to amputation of

right leg second toe in the motor vehicular accident caused due to rash and negligent driving of Hero Honda bearing no.CG12-K-9381 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.

03. On claim petition being filed by the claimant/injured under Section 166 of the Motor Vehicles Act for compensation to the tune of Rs.59,00,000/-, the Tribunal considering the evidence led by both the parties passed an award as mentioned in para 1 of this judgment.

04. Learned counsel for the appellant/claimant submits that though he has raised various grounds in the memo of appeal, however, he is not pressing all those grounds and is assailing the award on the sole ground that the amount awarded towards pain and suffering is on lower side and needs to be enhanced suitably.

05. On the other hand, learned counsel for the respondent no.2 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.

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

07. Considering the facts and circumstances of the case, the gravity of injury suffered by the claimant and the period of his

hospitalization, this Court is of the opinion that the claimant is entitled for Rs.10,000/- towards pain and suffering in place of Rs.5,000/- as awarded by the Tribunal. In other words, the claimant is entitled for additional compensation of Rs.5,000/- towards pain and suffering which shall also carry interest as awarded by the Tribunal. However, rest of the conditions of the impugned award shall remain intact.

08. In the result, the appeal is allowed in part with modification in the impugned award to the above extent.

Sd/-
(Gautam Chourdiya)
Judge

Akhilesh