

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal (Civil) No. 1098 of 2018

- Bhakta Prahlad S/o Shri Goutam Menpal, Aged About 23 years, R/o Koliyari, Post & Police Station- Arjuni, District Dhamtari (C.G.)

---- Appellant/Claimant

Versus

1. Narayan Sonkar S/o Shri Ramchandra Sonkar, R/o Rambag, In front of Forest Office, Dhamtari, District- Dhamtari (C.G.)
(Owner of Tractor No. C.G.-05/E-5414)
2. The Branch Manager, The New India Insurance Company Limited, Branch Office R.D.A. Block Bajrang Market Raipur, District Raipur (C.G.)
(Insurer of Tractor No. C.G.-05/E-5414)

---- Respondents/Non-applicants

For Appellant	:	Shri Rishi Rahul Soni, Advocate
For Respondent No. 1	:	None
For Respondent No.2	:	Shri Azad Siddiqui, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

16.01.2019

1. This appeal is by the Claimant/Appellant-injured against the award dated 12.03.2018 passed by the Additional Motor Accident Claims Tribunal (FTC), Dhamtari (C.G.) in Claim Case No. 35 of 2016 awarding total compensation of Rs.47,636/- with simple interest @ 6% per annum from the date of application till realization, fastening the liability on the Insurance Company/Respondent No.2.
2. As per claim petition, on 25.11.2014 injured- Bhakta Prahlad, aged about 23 years earning Rs.500/- per day as labour, got injured in the motor vehicular accident caused due to rash and negligent driving of the vehicle Tractor bearing registration No. CG-05/E/5414 by Aatmaram (Respondent No.1 before Tribunal).
3. On claim petition being filed by the Claimant/Appellant under Section 166 of the Motor Vehicle Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.

4. Learned counsel for the Appellant submits that the learned Tribunal has erred in awarding very low compensation which deserves to be enhanced suitably.
5. On the other hand, learned counsel for the Insurance Company/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.
6. Heard learned counsel for the parties and perused the material available on record.
7. Considering the facts and circumstances of the case, the nature of injury suffered by the Appellant/Claimant, this Court is of the opinion that amount of Rs.47,636/- awarded by the Tribunal as compensation to the Claimant is a bit on the lower side and the ends of justice would be served, if the Claimant is awarded additional compensation of Rs.4,000/- towards conveyance allowance which has not been considered by the Tribunal.
8. Accordingly, the present appeal is partly allowed and the Appellant/Claimant is hereby awarded additional compensation amount of Rs.4,000/- towards conveyance allowance alongwith simple interest @ 6% per annum from the date of application till the actual payment. However, rest of the conditions of the impugned award shall remain intact.
9. No order as to costs.

Sd/-

(Gautam Chourdiya)
Judge