

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 914 of 2015**

1. Smt. Deepa Bai, W/o Shri Khoman Lal Sahu, aged about 28 years, R/o Village- Chorbhatti, Thana and Tahsil- Kurud, Civil & Revenue Distt.- Dhamtari (C.G.).

---- Appellant**Versus**

1. Mannu Lal S/o Shri Vishambher Yadav aged about 56 years, R/o Village- Kasaridih Durg Thana and Tahsil- Durg, Civil & Revenue Distt.- Durg (C.G.)
2. Manager, Manish Traders, Pulgaon Naka Durg Thana and Tahsil- Durg, Civil & Revenue Distt.- Durg (C.G.).
3. Divisional Manager, The Oriental Insurance Company Ltd., M. B. Trade Balak Chowk Dhamtari, Tahsil & Distt.- Dhamtari (C.G.).

---- Respondents

For Appellant	:	Shri Sumit Shrivastava, Advocate
For Respondent No. 3.	:	Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

07.01.2019

1. This is claimant's appeal seeking enhancement of compensation awarded by the Chief Motor Accident Claims Tribunal, Dhamtari (for short 'the Tribunal'), in claim case No. 145/2013 vide award dated 02.03.2015.
2. Facts of the case leading to filing of claim petition are that on 21.05.2013 when claimant – Smt. Deepa Bai, aged about 28 years along with her husband and children was going to village Chorbhatti after attending the marriage function at village Birejhar, on the way due to rash

& negligent driving of offending vehicle bearing registration No. CG.07/E./1114 by its driver, respondent No.1 herein dashed the appellant, as a result of which she sustained grievous injuries including permanent disability to the extent of 30%.

3. As against the compensation of Rs.9,00,000/- claimed by the injured claimant by filing claim petition under Section 166 of the Motor Vehicles Act for the compensation for the injuries sustained by her in the motor accident on 21.05.2013, learned Claims Tribunal has awarded compensation of Rs. 20,122/- along with interest @ 6 % per annum from the date of filing of claim petition till its actual payment.

4. Learned counsel appearing for the appellants would submit that Claims Tribunal and committed fallen in error in not awarding any sum towards loss of income during treatment, special diet and conveyance. He further submits that the Claims Tribunal has further erred in not awarding adequate sum towards her medical treatment & pain and suffering and thereby awarded low amount of compensation, which deserves to be enhanced suitably.

5. On the other hand, learned counsel for the respondent No. 3 /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.

6. Heard learned counsel for the parties and perused the material available on record and the award impugned.

7. Indisputably, the appellant sustained grievous injuries including fracture in her left leg. As per medical bills produced by her, she suffered

medical expenses to the extent of Rs. 17,122, which the Tribunal has awarded as it is according to the medical bills (Ex.P-9 to Ex.P-30) produced by the claimant and toward pain and suffering Rs. 3,000/-. However, the Tribunal has not awarded any sum towards loss of income during treatment, special diet and conveyance.

8. When the matter is examined in the context of above broad features of the case, looking to the injuries and other aspect in my considered opinion, further award of Rs. 2,000/- would make the amount of compensation awarded by the Tribunal as just and proper compensation.

9. In view of foregoing, the appeal is allowed in part. The compensation of Rs. 20,122/- awarded by the Tribunal is enhanced to Rs. 22,122/-. The appellant is entitled for a further sum of Rs. 2,000/- over and above the amount of Rs. 20,122/- awarded by the Tribunal.

10. The above enhanced amount of compensation of Rs. 2,000/- shall carry interest @ 6 percent per annum from the date of application till its actual payment. Rest of the conditions mentioned in the award shall remain intact. The award stands modified to the above extent.

12. The respondent No. 3/Oriental Insurance Company Ltd. is granted two months' time to deposit enhanced amount of compensation of Rs. 2,000/- along with interest before the concerned Tribunal. No order as to costs.

Sd/-

(Gautam Chourdiya)
Judge

Amita