

(2018) 02 CHH CK 0064

Chhattisgarh High Court

Case No: Miscellaneous Appeal (C) No. 556 Of 2011

Suman Kumar

APPELLANT

Vs

Rajesh Kumar Bind And Ors

RESPONDENT

Date of Decision: Feb. 2, 2018

Acts Referred:

- Motor Vehicles Act, 1988 - Section 173

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Samir Singh, P. Acharya, Amrito Das

Final Decision: Allowed/Disposed Of

Judgement

P. Sam Koshy, J

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, filed by the appellant-claimant seeking for enhancement of the compensation awarded.

2. Challenge in the present appeal is to the award dated 25.11.2010 passed by the Third Additional Motor Accident Claims Tribunal, Bilaspur, in Claim

Case No. 42/2010.

3. Vide the impugned award, the learned Tribunal, in an injury case, has awarded a compensation of Rs.76,000/- in favour of the appellant- claimant with interest thereon at the rate of 9% per annum from the date of claim application.

4. Learned counsel for the appellant-claimant submits that the amount of compensation awarded is on the lower side. He submits that the learned

Tribunal has not properly appreciated the disability which has been caused to the claimant and it should have awarded a suitable compensation taking into consideration the disability which has been caused to the claimant. He further submits that the disability certificate (Exhibit A-12) was produced before the Tribunal to the extent of 30% as the permanent disability and that a doctor i.e. Dr. S.S. Bhatia (AW-2) has also been examined to support the case of the claimant. He thus prayed for the amount of compensation to be suitably enhanced.

5. Learned counsel for respondent no.3-insurance company however opposing the appeal submits that the learned Tribunal has taken into consideration the entire facts and circumstances of the case and also the nature of injury which has been sustained to the claimant and has awarded a fair and reasonable compensation and there is no scope of any further enhancement. He thus prayed for the rejection of the appeal.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the nature of injury and the disability certificate which has been issued in favour of the claimant, this Court is of the opinion that ends of justice would meet if the claimant, in addition to what has already been awarded, is awarded a lump sum compensation of Rs.24,000/-, which would make the total compensation payable to the claimant at Rs.1,00,000/- instead of Rs.76,000/- as awarded by the learned Tribunal. It is ordered accordingly.

7. As a consequence, the appeal is allowed and the impugned award stands accordingly modified and enhanced by Rs.24,000/-, making the total compensation payable to the appellant-claimant at Rs.1,00,000/. The enhanced amount shall also carry interest at the same rate as has been fixed by the learned Tribunal.

8. The appeal stands allowed and disposed of accordingly.