
(2013) 01 CHH CK 0055
In the Chhattisgarh High Court
Case No : Misc. Appeal (C) No. 1072 of 2010

Chohalram

APPELLANT

Vs

Narendra and Others

RESPONDENT

Date of Decision : 15-01-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 173

Citation : (2013) 3 BLJ 160 : (2013) 2 MPHT 58

Hon'ble Judges : Rangnath Chandrakar, J

Bench : Division Bench

Advocate : Arun Kochar, for the Appellant; Vishnu Koshta, Advocate for the Respondent Nos. 1 and 2 and Mr. Sourabh Sharma, Advocate for the Respondent No. 3, for the Respondent

Judgement

R.N. Chandrakar, J.—The appellant/claimant has preferred this appeal u/s 173 of the Motor Vehicles Act, 1988 (for short "the Act") seeking enhancement of compensation awarded by Additional Motor Accidents Claims Tribunal (FTC), Rajnandgaon (for short "the Tribunal") in Claim Case No. 15/2009, vide award dated 29-3-2010. As against the compensation of Rs. 2,25,000/- claimed by the appellant/claimant by filing an application u/s 166 of the Motor Vehicles Act, for the injuries sustained by him in the motor accident which took place on 18-5-2008; the learned Tribunal has awarded a total sum of Rs. 5,000/- as compensation to the appellant/claimant along with interest @ 6% per annum from the date of filing of the application till the date of actual payment.

2. The learned Tribunal on a close scrutiny of the evidence led before it held that the accident did not occur due to rash and negligent driving of respondent No. 1- Narendra, driver of offending vehicle Maruti Van bearing registration No. CG-08/5548, the appellant/claimant only sustained contusion and abrasion in the motor accident which took place on 18-5-2008; respondent No. 3-the New India Insurance Company Limited was held liable for payment of compensation and assessed the aforesaid sum as compensation to the appellant/claimant.

3. Learned Counsel appearing for the appellant submits that the Tribunal has erred in awarding low compensation of Rs. 5,000/- only. He further submits that appellant sustained serious injuries in the motor accident and the Tribunal awarded the aforesaid sum under all heads which deserves to be enhanced suitably.

4. Per contra, Shri Vishnu Koshta, learned Counsel for respondent Nos. 1 and 2 and Shri Sourabh Sharma, learned Counsel for respondent No. 3-the New India Insurance Company Limited contended that the amount of compensation of Rs. 5,000/- awarded by the Tribunal, in the facts and circumstances of the present case, is just and proper compensation, which does not call for any interference.

5. I have heard learned Counsel for the parties, perused the record of the Tribunal including impugned award.

6. The Tribunal, looking to the number and nature of the injuries proved to have been sustained by the claimant/appellant in the motor accident awarded lump sum Rs. 5,000/- towards medical treatment, special diet and conveyance. Thus, the Tribunal assessed and awarded a total sum of Rs. 5,000/- as compensation to the claimant for the injuries sustained by him in the motor accident which took place on 18-5-2008.

7. Claimant/appellant-Chohalram was aged about 23 years at the time of accident. He has taken training of Computer Hardware Networking and rendering his services in N.N. Computer, Rajnandgaon and used to earn Rs. 7,000/- per month, but there is no evidence available on record to establish the aforesaid fact. The claimant sustained contusion and abrasion in the motor accident is borne out from the evidence available on record. The claimant on account of the injuries sustained by him in the motor accident could not have performed his work for 1-2 months resulting in monetary loss to him. It is evident from the record that the Tribunal has not awarded any sum towards pain and suffering and attendant. Further, the amount awarded by the Tribunal toward medical treatment, conveyance and special diet appears to be on lower side.

8. The compensation of Rs. 5,000/- awarded by the Tribunal when examined in the context of the above mentioned broad features of the case, in my opinion, is certainly on the lower side which deserves to be enhanced suitably.

9. Considering all the relevant aspects of the matter, I am of the opinion that further award of Rs. 7,000/- towards pain and suffering and attendant inclusive of interest component on the enhanced amount of compensation would meet the ends of justice.

10. For the reasons mentioned hereinabove, the appeal filed by the appellant/claimant for enhancement of the compensation, therefore, is allowed in part. The appellant/claimant is awarded further sum of Rs. 7,000/- over and above the amount awarded by the Tribunal, inclusive of interest component on the enhanced amount of compensation. Award is modified to the extent indicated

hereinabove. Rest of the conditions mentioned in the award shall remain intact.

11. Respondent No. 3-the New India Insurance Company Limited is granted three months' time for depositing the enhanced amount of compensation of Rs. 7,000/- inclusive of interest component on the enhanced amount of compensation before the concerned Claims Tribunal. No orders as to costs.