
(2019) 04 CHH CK 0105
In the Chhattisgarh High Court
Case No : MAC No. 83 Of 2019

Ku. Deepa Churendra

APPELLANT

Vs

Anil Kumar Shukla And Ors

RESPONDENT

Date of Decision : 15-04-2019

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 173

Citation : (2019) 04 CHH CK 0105

Hon'ble Judges : Gautam Chourdiya, J

Bench : Single Bench

Advocate : P.K. Dhurandhar, H.P. Agrawal

Final Decision : Allowed

Judgement

Gautam Chourdiya, J

1. This appeal is by the claimant injured under Section 173 of the Motor Vehicles Act, 1988 against the award dated 12/10/2018 passed by Motor Accident Claims Tribunal, North Bastar, Kanker (C.G.) in Claim Case No. 51/2018 awarding total compensation of Rs. 1,42,273/- with interest @ 7.5 per annum from the date of application till realization, fastening liability on the non-applicants jointly and severally.

2. As per claim petition, on 07/03/2018 claimant Ku. Deepa Churenra, 28 years, earning Rs. 30,000/- per month as Assistant Teacher, Panchayat Farasgaon was riding his Scooty bearing No. CG05 AB 6795, near Aaturgaon road non-applicant No. 1 Anil Kumar Shukla driver of the offending vehicle Truck bearing No. CG17 D 2286 driven the said vehicle rashly and negligently dashed the Scooty of claimant, as a result of which claimant sustained grievous injury on head, leg and other parts of the body. She remained admitted for treatment in Shree Narayana Hospital, Raipur from 07/03/2018 to 15/03/2018.

3. On claim petition being filed by the claimant under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed

an award as mentioned above.

4. Learned counsel for the appellant/claimant submits that in this case claimant sustained grievous injury as per discharge ticket (Ex. P-11) and took long treatment for the injuries and suffered a lot of pain but learned Tribunal only awarded Rs. 5,000 on account of grievous injury sustained by the claimants. Looking to the injury, long treatment, pain & suffering the compensation is required to be enhanced suitably by awarding further sum of Rs. 25,000/-.

5. On the other hand, learned counsel for the respondent/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.

7. Considering the facts and circumstances of the case, the age of the claimant, the period of her hospitalization and gravity of the injuries suffered by her, this Court is of the opinion that grant of additional amount of Rs. 20,000/- towards pain and suffering would make the compensation just and proper. Thus, the claimant is hereby awarded additional compensation of Rs. 20,000/- towards pain and suffering with interest as awarded by the Tribunal. However, rest of the conditions of the impugned award shall remain intact.

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