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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI RAJEEV GUPTA, C.J. &
HON'BLE SHRI RANGNATH CHANDRAKAR, J.

Misc. Appeal (C) No. 177 of 2010

Appellant : Ubhayram Sahu, S/o Balduram Sahu,
aged about 47 years, R/o P.T.S.
Colony, 48 Quarters, Quarter No. D-8,
Rajnandgaon, Tahsil and District
Rajnandgaon (C.G.)

Versus

Respondents 1. Bhupendra Kumar, S/o Kamta Prasad
Gupta, aged about 25 years, R/o Mohla,
Jaystambh Chowk, P.S. Mohla, District
Rajnandgaon (C.G.)

2. Damberdhvaj Limbod, S/o I.B.L.
Limbod, R/o Gol Bazar, Handipasra,
Rajnandgaon, District Rajnandgaon
(C.G.)

3. National Insurance Company Limited,
Head Office-3, Middleton Street Kolkata
through Divisional Manager,
Akashganga Complex, Supela, Bhilai,
district Durg (C.G.)

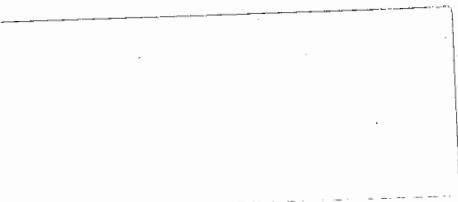
Appeal under Section 173 of the Motor Vehicle Act

Present : Shri Avinash Chand Sahu, learned counsel for the
appellant.

ORDER

(30th July, 2010)

The following order of the Court was passed by
Rajeev Gupta, C.J.





Shri Avinash Chand Sahu, learned counsel for the appellant is heard on I.A. No.01/2010, an application for condonation of the delay in filing the appeal.

2) On due consideration of the submissions of learned counsel for the appellant and the grounds taken in the application, we are satisfied that the appellant has succeeded in showing sufficient cause for the delay in filing the appeal.

3) I.A. No. 01/2010, therefore, is allowed and the delay in filing the appeal is hereby condoned.

4) Shri Avinash Chand Sahu, learned counsel for the appellant is heard on admission.

5) Appellant Ubhayram Sahu is seeking enhancement of the compensation awarded by the Additional Motor Accident Claims Tribunal, Rajnandgaon (for short, 'the Tribunal') vide award dated 30.04.2009, passed in Claim Case No. 107 of 2008.

6) As against the compensation of Rs.6,22,000/- claimed by the appellant/ claimant by filing a claim petition under Section 166 of the Motor Vehicles Act, for the injuries sustained by him in the motor accident on 30-10-2006, the Tribunal awarded a total sum of Rs.20,000/- as compensation along with interest @ 6% per annum from the date of filing of the claim petition till the date of actual payment.

7) Shri Avinash Chand Sahu, learned counsel for the appellant submitted that the Tribunal has erred in awarding low compensation of Rs.20,000/- only though the appellant/claimant

sustained multiple serious injuries including fractures in the motor accident resulting in permanent disability to the extent of 30%.

8) Though the accident wherein the claimant sustained injuries is said to have taken place on 30-10-2006, for the purposes of issuing the disability certificate, the claimant for the first time was examined by AW2 Dr. Prakash Bhalerav after more than two years on 17-01-2009. AW2 Dr. Prakash Bhalerav in para 5 of his deposition, categorically stated that the injuries resulting in disability to the extent of 30%, as certified by him were not more than 4 - 6 months old. The claimant was in the police service. He admitted that in the government hospital he was not required to pay any amount for his treatment.

9) On due consideration of the submissions of learned counsel for the appellant and in view of the dictum of the Apex Court in the case of **Rajesh Kumar alias Raju v. Yudhvir Singh and another**, reported in **(2008) 7 SCC 305**, we do not find any scope for enhancement of the compensation awarded by the Tribunal.

10) The appeal filed by the appellant/claimant for enhancement of the compensation, therefore, fails and is hereby dismissed summarily.

**Sd/-
Chief Justice**

**Sd/-
R.N. Chandrakar
Judge**