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**IN THE HIGH COURT OF JUDICATURE AT**

**BILASPUR (C.G.)**

**Division Bench**

**M.A. NO. 742/2005**

**APPELLANT**

*Applicant*

Navin Raheja, aged 29 years  
S/o. Late Shrichand Raheja  
R/o. Ganjpara, Raipur Tahsil and  
District Raipur (C.G.)

**VERSUS**

**RESPONDENTS**

1. Duttatran Modak, S/o. Balaji  
Modak, aged 35 years  
R/o. Nehrunagar Bangali Camp  
Near Hanuman Mandir  
Chandrapur Tahsil and District  
Chandrapur (Maharashtra)

2. Guruvinder Singh  
S/o. Ravil Singh Saluja  
Aged about 33 years  
R/o. Saluja Transport, Transport  
Nagar Ward No.2, Chandrapur  
Maharashtra

3. United India Insurance Co.Ltd.  
Through Divisional Manager  
Branch Office Kachahari Chowk  
Krishna Apartment Jail Road  
Tahsil and District Raipur (C.G.)

P.R. No. 106/05  
Presented by Shri. R. Prasad  
dated 11.06.05

**MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE**  
**MOTOR VEHICLE ACT, 1988**



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HIGH COURT OF CHHATTISGARH

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Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal  
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Miscellaneous Appeal No.742 of 2005

Appellant  
Applicant

Navin Raheja

versus

Respondents

Duttatran Modak and  
others

Appeal under Section 173 of the Motor Vehicles Act,  
1988

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Appearances of the counsel:

Shri Raghvendra Pradhan, counsel for the  
appellant.

Shri Sanjay S. Agrawal, counsel for respondent  
No. 3.

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J U D G M E N T

(Passed on 29<sup>th</sup> November, 2013)

1. This is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act, 1988 (henceforth 'the Act, 1988') seeking enhancement of the amount awarded under the impugned award dated 28.02.2005 passed by 11<sup>th</sup> Additional Motor Accidents Claims Tribunal, (F.T.C.), Raipur in Claim Case No.23/2004.

2. The Claims Tribunal, by the impugned award, has held that the claimant-Navin Raheja has not suffered any permanent disability as neither the treating doctor has been examined nor any medical

certificate issued by District Medical Board has been filed to establish the permanent disability suffered by him before the Tribunal, but he remained hospitalised for a long time for treatment of the injuries suffered by him in the accident. However, the Claims Tribunal has granted compensation for the injuries sustained by the appellant/claimant under the following heads:

S.No	Head	Amount (Rs.)
1	Medical Bills	04,500=00
2	For medical expenses during treatment	37,000=00
3	For future treatment	10,000=00
4.	For pain & suffering	14,000=00
<b>Total=</b>		65,500=00

3. Shri Raghvendra Pradhan, learned counsel appearing for the appellant/claimant would submit that the claimant remained hospitalised for a long time for treatment of the injuries suffered by him in the accident and, therefore, the sum of ₹14,000/- awarded under the head pain and suffering is on lower side which deserves to be suitably enhanced. He further submits that the Tribunal has further erred in not awarding any sum on the head of nutritious food and hospitalization of the claimant during treatment for a long time.

4. Shri Sanjay S. Agrawal, learned counsel appearing for respondent No.3/insurance company

supported the impugned award and opposed the appeal.

5. I have considered the rival submissions and gone through the record of the Claims Tribunal.

6. After hearing the parties, perusing the record and after due consideration, I find that the appellant/claimant would be, in addition to the amount already awarded, entitled to enhancement as under:

S.No	Head	Amount Already Awarded (Rs.)	Amount Enhanced (Rs.)	Total Compensation (Rs.)
1	Medical Bills	4,500=00		4,500=00
2	For medical expenses during treatment	37,000=00		37,000=00
3	For future treatment	10,000=00		10,000=00
4.	For pain and suffering	14,000=00	06,000	20,000=00
<b>Total=</b>				<b>71,500=00</b>

7. Apart from this, claimant is also entitled for ₹ 5,000/- towards nutritious food and ₹ 4,000/- for hospitalization and thus, the appellant/claimant would be entitled to get total compensation of ₹ 80,500/- ( ₹ 71,500/-+ ₹ 5,000/-+ ₹ 4,000/-) in place of ₹ 65,500/- as awarded by the Tribunal.

8. For the foregoing reasons, the appeal filed by the appellant for enhancement of the compensation is partly allowed. The compensation of ₹ 65,500/- awarded by the Tribunal is enhanced to ₹ 80,500/-. The claimant is further entitled to receive ₹ 15,000/- over and above the amount awarded by the Tribunal. Enhanced amount of ₹ 15,000/- shall carry interest @ 6% per annum from the date of filing of claim petition till its actual payments. Award is modified to the above extent. Rest of the conditions mentioned in the award shall remain intact.

9. The respondent No.3 -The United India Insurance Company Limited is granted two months' time to deposit enhanced amount of compensation of ₹ 15,000/- along with interest @ 6 % per annum from the date of filing of claim petition before the concerning Claims Tribunal.

10. No order as to costs.

Sd/-  
Sanjay K. Agrawal  
Judge