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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR
(C.G.)

MISC. APPEAL (C) NO. 1370 OF 2014 Single Bench

APPELLANT :

Claimant

Bhagirathi Hirwani, son of Ratan Lal, aged about 48 years, R/o Mahima Sagar Ward, Dhamtari, Police Station, Tahsil and District Dhamtari (C.G.)

P.R.No. 1370/14
Presented by Shri P.P. Sahu
dated 22.12.14

VERSUS

RESPONDENTS :

Non-applicants

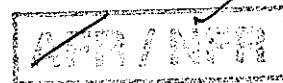
1. Yashwant Soni, S/o Tilak Soni, aged about 38 years, R/o Near Kodumal Dharmshala, Risai Para, Dhamtari, District Dhamtari (C.G.)
2. Manjeet Singh, S/o late Shri Heerasinhg, R/o Vivekanand Colony, Dhamtari, Tahsil and District Dhamtari (C.G.)
3. Divisional Manager,
The Oriental Insurance Company Ltd. Balak Chowk M.B. Trade, Dhamtari, Tahsil and District Dhamtari (C.G.)

Claimed before Tribunal : Rs. 15,01,000/-

Amount awarded by the learned Tribunal : Rs. 94,700/-

Claimed in this Memo of Appeal : Rs. 14,06,300/-

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR
VEHICLES ACT, 1988



16

HIGH COURT OF CHHATTISGARH AT BILASPUR**(Single Bench: Hon'ble Shri Justice P. Sam Koshy)****M. A. (C) No. 1370 of 2014****Appellant**
claimant

Bhagirathi Hirwani

VERSUS**Respondents**

Yashwant Soni and others

Present: Shri P.P. Sahu, Counsel for the appellant.**ORAL ORDER**
(08. 01. 2015)

By way of the instant appeal, the appellant has challenged the award dated 03.11.2014 passed by the Additional Motor Accident Claims Tribunal Dhamtari, District - Dhamtari in Claim Case no. 17/2014.

2. Facts leading to the instant appeal in brief are that the appellant while riding on a bicycle along with his wife on 27.06.2013, who met with an accident from one Jeep bearing registration No.C.G. 04T-0316. According to the claimant's accident arose because of rash and negligent driving of respondent No.1 i.e. driver of the jeep.

3. It is contended by the claimant that because of accident the claimant had received grievous injuries in all over his body parts particularly on his head and that he was hospitalized for a considerable period of time and therefore, he had sought for compensation of Rs. 15,01,000/-.

4. That after the pleading were complete and the evidence were recorded, the Tribunal vide its award dated 03.11.2014

has held that the claimant is entitled for compensation to the tune of Rs. 94,700/-.

5. It is this award dated 03.11.2014 which is put to challenge by the appellant by way of the instant appeal.

6. Counsel for the appellant submits that Rs 94,700/- which has been awarded by the Tribunal out of Rs. 78,700/- by way of medical expenditure has been established by the claimant. It is further contended by the claimant that from the fact that he has incurred Rs. 78,700 towards medical expenses itself shows that he had received grievous injuries and therefore, the amount of compensation which has been awarded over and above medical expenses is too meager and deserves to be enhanced.

7. However, perusal of the records, would show that the claimant in his evidence itself has accepted the fact that he had not received injury of the nature of fracture in his body and that it is further revealed from the record that the claimant has also sustained any permanent disability from the injuries. It is also reflected that there was no evidence to show that the appellant was hospitalized for considerable period of time and as such he has not been able to earn his wages during this period for which he should be compensated.

8. It is further reflected that neither is there any medical evidence to show the disability part nor is there any evidence to show the lose of income for the period claimant is alleged to have been out of work.



9. Considering the facts of the case, this Court is of the opinion that the award passed by the Court below does not seem to be unreasonable nor can it be said to be contrary to the evidence on record.

10. For the foregoing reasons, this is court is of the view that it is not a fit case warranting any interference with the award and as such the appeal being devoid of merits, the same deserves to be and is dismissed. No order as to costs.

Sd/-
P. Sam Koshy
Judge

santosh

