

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal No.256 of 2002

Milind Masurkar, S/o Chandanlal Masurkar, aged about 22 years, R/o Sakin Soandongri, Road Hirapur Raipur, Chhattisgarh

---- Appellant

versus

1. Sanjeev Gendray, S/o Namalum, R/o Near Gudiyari, P.S. Raipur, District Raipur, Chhattisgarh (**Deleted**)
2. Harjain Sing, S/o Rajnarayan Sing, R/o Near P.S. Pahadi Chowk, Gudiyari, Raipur, District Raipur, Chhattisgarh
3. The Oriental Insurance Co. Ltd., Mandal Office Jeevan Bima Marg, Pandari, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Arun Kumar Bajaj, Advocate
For Respondent No.3	:	Shri P. Dutta, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Judgment on Board

4.11.2016

1. This appeal by the claimant is directed against the award dated 20.11.2001 passed by the Third Additional Motor Accidents Claims Tribunal, Raipur in Claim Case No.6 of 2001, whereby the Tribunal has dismissed the claim petition of the claimant on the ground that the claimant has failed to prove that he suffered any injury in the accident in question.
2. It is not disputed that an accident involving Tata Sumo bearing registration No.MP 23 GA 2982 took place on 24.10.1999. A number of persons received injuries in the accident. FIR No.195/99 was also lodged with regard to the accident in question. The Tribunal held that though the claimant had appeared in the witness box and had stated that he had suffered injuries in the accident on hand, head, feet and face, he failed to produce any evidence with regard to injuries received by him. The only document produced with regard to the

alleged injuries are five bills of medicines. The first bill of medicines is dated 17.11.2000, i.e., 1 year and 24 days after the accident and the other bills are of 10.12.1999, 23.2.2000, 28.6.2000 and 26.9.2002. It is not even clear what medicines were consumed and how the injuries, if any, were sustained. Not a single prescription slip has been produced. As rightly held by the Tribunal, all the injured persons were taken to the Government Hospital, Rajnandgaon and the Appellant/claimant has failed to lead any evidence to prove the injuries sustained by him though according to him he had suffered injuries.

3. Therefore, I find no merit in the appeal, which is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE