

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 423 of 2016

Milan Sahu S/o Shri Tulsiram Sahu, Aged About 32 Years
Occupation- Agriculturist, R/o Village Bakma, Thana & Tahsil-
Bagbahra, Civil & Revenue Distt.- Mahasamund,
Chhattisgarh(Claimant)

---- Appellant

Versus

1. Raghuveer Kumar Yadav S/o Shri Ramjagir Yadav, Aged About 29 Years R/o Anthoni, C H L, Gajdhar Bandh, Shantakunj Mumbai (Maharashtra)(Driver Of Tanker M H-143- A S- 9834)
2. Ravindra Hriday Narayan Dubey R/o Dutta Colony, A/ P Kamsed, Tahsil- Moawal, S. O. Pune (Maharashtra) (Owner Of Tanker M H-143- A S- 9834)
3. Manger, The Cholamandlam General Insurance Company Limited, Simran Tower, Infront Of Jeevan Beema Office Pandari Raipur, P.S.- Devendra Nagar, Civil & Revenue Distt.- Raipur, Chhattisgarh(Insurer Of Tanker M H-143- A S- 9834)

---- Respondents

For Appellant : Mr. Sumit Shrivastava, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2016

Heard on admission.

1. This appeal is directed against award dated 29.01.2016 by which the appellant/claimant has been awarded compensation for damage caused to his vehicle. The appellant has prayed for enhancement of compensation amount on the submission that he has not been granted compensation towards loss of income which he could not earn by agriculture activity because his vehicle remained in damaged and unused condition for long time. It is also submitted that towards mental agony only Rs.10,000/- has been awarded.
2. Learned Claims Tribunal has awarded Rs.2,42,472/- towards

expenditure incurred in getting the vehicle repaired, based on the bills produced by the appellant/claimant. Even though the appellant did not lead any clinching evidence of loss of income, towards loss of income on presumptive basis, Rs.25,000/- has been awarded. Towards mental agony Rs.10,000/- has been awarded. It is not a case of personal injury to human body. The appellant has failed to bring about any evidence of actual loss of income. Therefore, in the considered opinion of this Court, the compensation amount awarded to the appellant appears to be sufficient and warrants no interference.

3. The appeal is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E