NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1510 of 2016

1. Smt. Nagmat Bai W/o Late Madanlal Korram, Aged About 40 Years
2. Purnima D/o Late Madanlal Korram, Aged About 21 Years
3. Jay Kumar S/o Late Madanlal Korram, Aged About 20 Years
4. Subhash Singh S/o Late Madanlal Korram, Aged About 19 Years

all R/o Village Jhabar, Tahsil Katghora, Civil And Revenue District Korba, CG ....(Claimants)

---- Appellants

Versus

1. Rajendra Prasad S/o Naresh Prasad Yadav, Aged About 21 Years R/o Baksahi, Police Station Pali, Civil And Revenue District Korba, Chhattisgarh ....(Driver)
2. Nitesh Kumar Soni S/o Suresh Kumar Soni R/o Chaiturgarh Road Pali, Tahsil Pali, Civil And Revenue District Korba, CG ....(Owner)
3. Branch Manager, United India Insurance Company Limited, Branch-Korba, through U.E.C. Ltd. ....(Insurer)

---- Respondents

For appellants : Mr. Punit Ruparel, Adv.

O R D E R

21/12/2016

1. Heard on admission.
2. Learned counsel for the appellant submits that the deceased was ailing after the incident. He was under treatment and died on account of post effect of the accident. He was continuously under medication. There is an oral evidence adduced by the appellant No. 1 Nagmat Bai. Another deceased died on the spot. LRs of the said deceased got compensation from the Tribunal. In the present case the deceased sustained grievous injuries. He was under treatment, also the insurance company in its written statement in para 6 admitted that the deceased sustained grievous injuries. He was treated and he was admitted at many hospitals. With this, dismissal of claim filed by the appellant vide award dated 14-10-2016 requires interference. Hence the matter may be admitted for consideration and may be disposed of on its merit.

3. Perused the record of the Tribunal, copy of the impugned award and the written statement filed by R-3 the insurance company.
4. From perusal of para 6 of the written statement of the insurance company, it is clear that the insurance company denied the contents of the claim petition. It nowhere indicates that the insurance company admitted the facts as pleaded in para 11 of the application. Also indisputedly, the expenses towards treatment were incurred by the SECL company. There was no post mortem and as per facts, after many months of the accident, the deceased died on account of ailment, mental and physical pain suffered by the deceased. The legal heirs are not entitled to receive any compensation under such head. With this the Tribunal dismissed the claim petition filed by the appellants.
5. Upon minute examination of the evidence adduced during trial, I do not see any reason to take a different view and I am not inclined to interfere with the findings of the Tribunal vide impugned award.
6. Consequently, instant MAC is dismissed at motion stage itself.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak