

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 3 of 2016

Jwalaprasad S/o Mangluram, Aged About 18 Years Next Friend S/o Mangluram
S/o Chetanlal, Aged About 50 Years, R/o Village Faraswani, P.S. Dabhra, Tahsil
Dabhra, District Janjgir-Champa, Chhattisgarh(Claimant)

---- Appellant

Versus

1. Chherka S/o Kartikram, Aged About 50 Years R/o Village Faraswani, Occupation
Kirana Dukan, P.S. Dabhra, District Janjgir-Champa, Chhattisgarh
2. United India Insurance Company Limited Korba, Chhattisgarh(Non-
Applicants)

---- Respondents

Shri M.K.Jaiswal, counsel for the appellant/s.
Shri Dashrath Gupta, counsel for the Insurance Company.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/03/2016

This is an appeal for enhancement of compensation in a case of injury arising out of a motor accident.

2. Learned counsel for the appellant prayed for enhancement of compensation on the ground that the income of the appellant has not been properly assessed and looking to the nature of injury, proper compensation has not been awarded. It is also submitted that compensation under loss of income, diet expenses, pain and sufferings has not been awarded.

3. This is admittedly a case of injury. Though it is found that the appellant had suffered some injury on his head, there is no medical evidence nor evidence of any doctor to prove that the appellant suffered some kind of mental disability reducing his working capacity or any loss of understanding.

Even according to the appellant, he was a student. The age of the

appellant is stated to be 17-18 years of age. In the absence of any evidence of definite employment, the Claims Tribunal has rightly held that appellant's notional income should be Rs.3,000/- and it does not require any interference. The entire bills submitted by the appellant have been accepted and the expenditure has been included for compensation. There is no doctor opinion of further complication or need of any kind of surgical treatment. Treating his income to be Rs.3,000/- per month, it has been rightly held that loss of income would be Rs.3,000/-. For any likely future treatment or discomfort, Rs.10,000/- have been awarded. The Claims Tribunal has also awarded Rs.5,000/- towards vehicle expenses and also Rs.5,000/- towards diet expenses and further Rs.5,000/- for pain and suffering. Therefore, the order of the Claims Tribunal does not suffer from any illegality or perversity and there is no scope for enhancement of the compensation. The appeal is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge