

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 793 of 2008**

Raja Tandon S/o Dhelsingh Tandon, aged about 38 years, R/o Purani Basti, Balodabazar, Thana & Tahsil – Baloda Bazar, District Raipur (CG)

---- Appellant**Versus**

1. Ajay Bhumij S/o Budeshwar Bhumij, aged about 22 years, present address Tatibandh Raipur through Pramod Kumar Thakur, S/o late Dinesh Thakur, G.G.R. Transport Tatibandh Raipur, District Raipur(CG) Driver
2. Pramod Kumar Thakur S/o Dinesh Thakur, aged about 38 years, R/o C.G.R. Transport Tatibandh, Raipur, District Raipur (CG) Owner
3. The New India Insurance Co. Ltd. Divisional Office.2 Pandri Raipur (CG)

---- Respondents

For Appellant : Shri Shiv Kumar Guha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/11/2017**

The challenge in the present appeal by the claimant is the award dated 24.04.2008 passed by the 2nd Additional Motor Accident Claims Tribunal, Baloda Bazar, Raipur (CG) in Claim Case No. 52/2007. Vide the impugned award the Tribunal has rejected the claim application filed under Section 166 of the MV Act by the claimant.

2. The brief facts of the case are that the deceased in the instant case Firenta met with an accident on 17.05.2007 when he was hit by a truck bearing registration No. CG04J4639. According to the claimant, Firenta had

sustained grievous injuries on his left leg and subsequently died on 11.07.2007. The claim application was filed by the claimant on 18.07.2007.

3. On perusal of the record reflects that the claimant has not been able to show before the Tribunal as to whether the death of Firenta was on account of the accident and the accidental injury sustained by him on 17.05.2007. The claimant has also not produced before the Tribunal the bills pertaining to the actual medical expenses incurred during the course of treatment of deceased Firenta.

4. In the given factual matrix of the case and also taking into consideration the provisions of Section 306 of the Indian Succession Act, this Court is of the opinion that the Tribunal has rightly rejected the claim application.

5. The appeal thus being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE