

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No.402 of 2010

1. Prakash Agrawal S/o Late Kailash Chand Agrawal, aged about 24 years.
2. Anil Agrawal S/o Late Kailash Chand Agrawal, aged about 21 years.
Both are R/o Chandrpur, In front of Post Office, Tah.Dabhara, District Janjgir-Champa (C.G).

---Appellants

Versus

1. Pardeshi Chouhan S/o Late Bhagirathi Chouhan, aged about 45 years, Occupation unemployed.
2. Smt.Baratbai W/o Pardeshi Chouhan, aged 42 years.
Both are R/o Jailpara, Raigarh, Tah.& Dist.Raigarh (C.G)
3. Dilprakash S/o Munuram Gupta, aged 25 years, occupation – Driver, R/o Chandrpur, Mohalla – Jabranpur (Shashipur), P.S. Chandrpur, Tah.Dabhara, District Janjgir – Champa.
4. Ramesh Kumar S/o Ramkumar Agrawal, aged 44 years, Occupation – Vehicle owner, R/o Geeta Food Industries, Chandrpur, P.S. Chandrpur, Tah.Dabhara, District Janjgir – Champa.

---Respondents

For Appellants	:	Shri Shailesh Puriya under instructions of Shri Amit Sharma, Advocate
For respondents No.1 & 2	:	Shri Abhishek Saraf, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/10/2017

1. Present is an appeal under Section 173 of the Motor Vehicle Act preferred by the owner challenging the award dated 13/01/2010 passed by the 3rd Motor Accident Claims Tribunal, Raigarh in Claim Case No.61/2007. Vide the said impugned award, the Tribunal in a death Case has awarded compensation of Rs.2,40,000/- along with interest @ 7.5% per annum.
2. This court on 12/04/2010 while hearing the application for interim relief had granted interim relief of stay of the execution of the award

subject to the appellants depositing Rs.1,00,000/- within a period of two months from 12/04/2010.

3. The counsel for the claimants have stated that till date more than 7 years have passed, the appellants has not complied with the aforesaid directives.

4. In view of the same, I.A.No.2 application for urgent hearing is being considered and allowed and with the consent of the parties the appeal was taken up for final hearing.

5. The counsel for the appellant was not able to show any substantive grounds challenging the impugned award.

6. The undisputed facts which have reflected from the award is the accident that took place on 10/03/2007, the death of the deceased Jalindhar @ Vivek Chouhan arising out of the said accident. The vehicle which had hit the deceased being the Truck belonging to the appellant bearing registration No.CG 13 ZC 0407. The vehicle involved in the accident was also not insured with any of the Insurance Company and the Tribunal thus had fastened the liability upon the present appellants.

7. The ground for challenging the impugned award as raised by the appellants in the memo of appeal does not show any strong ground with which the impugned award could have been interfered. Neither the evidence which have been adduced by the parties before the Tribunal would show sufficient material to draw the different conclusion than what has been drawn by the learned Tribunal below.

8. In view of the aforesaid facts and circumstances of the case, this court does not find any strong case made out by the appellants to interfere with the impugned award.

9. Therefore, the appeal of the owner thus fails and is accordingly dismissed.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**