

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1591 of 2009**

Ramkumar Rajput S/o late Shri Khushiram Rajput, aged about 70 years, present address R/o Janta Qr. No. 60, Tatibandh, Tehsil and District Raipur, CG, Permanent address R/o village Dhawalpur, Thana & Tehsil Mainpur, District Raipur, CG (Registered owner of the vehicle Commander Jeep bearing Regd. No. CG 04/ZD - 8883)

---- Appellant**Versus**

1. Mitthu Ram @ Mitthu Lal S/o Peeluram @ Pilluram @ Milluram Vishwakarma, aged about 40 years, present address R/o Devendra Nagar Raipur, Thana Devendra Nagar, Raipur, Tehsil and District Raipur (CG) Permanent address R/o village Mohanda, Thana and Tehsil Mainpur, District Raipur (CG) (Claimant)
2. Thansingh Gond S/o Shri Chamru Gond, aged about 30 years, R/o Mohanda, Shukla Bhata, Thana and Tehsil Mainpur, District Raipur (CG) (Driver of the vehicle Commander Jeep bearing Regd. No. CG 04/ZD 8883)
3. United India Insurance Company Limited, Divisional Office Krishna Complex, Kutchery Chowk, Raipur, CG (Insurer of the vehicle Commander Jeep bearing Regd. No. CG 04/ZD 8883)

---- Respondents

For Appellant	:	Shri Suresh Tandan, Advocate
For Respondent no. 3	:	Shri Dashrath Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/10/2017**

Present is an owner's appeal under Section 173 of the Motor Vehicles Act assailing the award dated 29.09.2009 passed by the 10th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No. 89/2008. Vide the impugned award, the Tribunal in an injury case under Section 163A of MV Act has awarded compensation of Rs.4,53,373/- with interest @ 6% per annum from the date of application.

2. The challenge in the present appeal is only on the quantum of compensation awarded. Since the vehicle was insured under the Act only policy, the Insurance Company has been exonerated of its liability and the liability of payment of compensation has been fastened upon the appellant. Counsel for the appellant submits that the quantum of compensation awarded to the claimant is exorbitant and on the higher side, therefore, the same may be modified suitably.

3. However, on perusal of the record would show that the Tribunal has accepted the notional income of the injured at Rs.3,000/- a month i.e. Rs.100/- as the daily income. This amount taking into consideration the time of accident i.e. May, 2008 cannot be said in any circumstance to be exorbitant or on the higher side. The calculation has been made by the Tribunal keeping in view the schedule under Section 163A of Motor Vehicles Act.

4. This Court does not find any strong case made out by the appellant to interfere with the quantum of compensation awarded by the Tribunal which according to this Court is just and reasonable considering the fact that it is a case of amputation of right hand.

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

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