

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1301 of 2017

Goverdhan Yadav S/o Shri Baratu Ram, Aged About 52 Years R/o Kendaikhar, Darri, Police Station Darri, Civil & Revenue District Korba, Chhattisgarh.

---- Appellant

Versus

1. Ramji Yadav S/o Shri Mant Ram, Aged About 32 Years.
2. Smt. Gorasmani Yadav W/o Shri Ramji, Aged About 28 Years.
Both are R/o Kendaikhar, Darri, Police Station Darri, Civil & Revenue District Korba, Chhattisgarh.
3. Manoj Kumar Kumhar S/o Shri Kamal Sai, Aged About 15 Years Minor Through His Legal Guardian Father Shri Kamal Sai, R/o K.C.Jain Marg, Kendaikhar, Darri, Police Station Darri, Civil & Revenue District Korba, Chhattisgarh.

---Respondents

For Appellant : Shri Paras Mani Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/09/2017

1. Present is an appeal preferred by the appellant-owner assailing the award dated 22/06/2017 passed by the Additional Motor Accident Claims Tribunal, Katgora, District Korba (C.G) (for short – the Tribunal) in Claim Case No.58/2015.
2. Vide the said impugned award, the Tribunal has awarded the compensation of Rs.3,80,000/- along with interest @ 9% per annum. While passing the said award, the liability of payment of compensation has been fastened upon the appellant-owner since the Tractor involved in an accident was not insured.
3. The challenge in the present appeal is to the quantum awarded by the Tribunal and also the fact that the vehicle involved in an accident was un-numbered vehicle and therefore the liability could not have been fastened upon the present appellant.
4. However, perusal of record shows that, there is a statement of NAW-1 which has been produced who has categorically stated that, the accident occurred with the Tractor belonging to the appellant which was being driven by the respondent No.2. Considering the fact that there is a statement of eye-witness, this court does not find any strong case for holding that the accident did not occur from the Tractor belonging to the present appellant.
5. So far as quantum part is concerned, the liability in this situation has been well-settled by the Hon'ble Supreme Court in the case of ***Lata Wadhwa***

and Ors. Vs. State of Bihar and Ors. reported in **(2001) 8 SCC 197** as also in the case of **Kishan Gopal Vs. Lala [{2014} 1 SCC 244]**.

6. In view of the aforesaid legal pronouncement of the Supreme Court, this court does not find any strong case for interfering with the quantum part.
7. Thus, the appeal being devoid of merit same deserves to be and is accordingly dismissed.

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

Sumit