

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.850 of 2008**

Bajaj Allianz General Insurance Company Limited, Through Branch Manager, Shiv Mohan Bhavan, Vidhan Sabha Marg, Pandri, Raipur, Tahsil & District Raipur (Chhattisgarh).

---- Appellant**Versus**

1. Suresh Kumar Miri S/o Panchram Miri, aged about 30 years, R/o Village – Tada, Thana – Kota, District Bilaspur (Chhattisgarh).
2. Surendra Kaushik S/o Shri Bhagwat Prasad Kaushik, aged about 38 years, R/o Village – Bahtarai, Tahsil & District Bilaspur (Chhattisgarh).

---Respondents

For appellant/Insurance Company : Shri Sachin Singh Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/09/2017**

1. Present is an appeal under Section 173 of the Motor Vehicle Act preferred by the Insurance Company assailing the award dated 01/05/2008 passed by the 6th Additional Motor Accidents Claims Tribunal, Bilaspur (C.G) in Claim Case No. 28/2008.
2. The challenge in the impugned award is that, the amount of compensation awarded being on the higher side and that the amount quantified is without any basis and thus the same requires to be set aside. It was also the contention of the counsel for the appellant-Insurance Company that, the driver of the offending vehicle did not have a proper valid license at the time of the accident. However, perusal of the record would show that, the Insurance Company has not led any evidence before the Tribunal to support their contention, that the driver of the offending vehicle did not have a proper valid license.
3. So far as quantum part is concerned, taken into consideration the nature of the injury sustained by the deceased, this court is of the opinion that, the amount of compensation awarded by the Tribunal is just and reasonable and does not warrant any interference.
4. The appeal of the Insurance Company thus being devoid of merit deserves to be and is accordingly rejected.
5. With the dismissal of the present appeal, the interim order granted earlier stands merged with this final order and the claimant shall be entitled for withdrawing of the balance amount which stands deposited before the Tribunal.

Sd/-
(P. Sam Koshy)
Judge

