

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1391 of 2017**

Shailendra Kumar Bais S/o Hunlal Bais Aged About 21 Years R/o Village Ghusera, Post Office Sivni, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Appellant**Versus**

1. Irfan Khan S/o Raja Khan, R/o Village Boriya (Near Water Tank) Police Station Abhanpur District Raipur Chhattisgarh
2. Arun Yadav S/o Radheshyam Yadav R/o New Police Lines Rajnandgaon District Rajnandgaon Chhattisgarh
3. National Insurance Company Limited, Through Divisional Manager, Address : 1 Veer Savarkar Marg, National Insurance Company Limited, G E Road, Raipur Tahsil And District Raipur Chhattisgarh

----Respondents

For Appellant	:	Mr. Amiyakant Tiwari, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/10/2017**

1. Heard on I.A. No.1, which is an application for condonation of delay.

For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 118 days in filing the appeal stands condoned.
2. Present is an appeal under Section 173 of the Motor Vehicles Act.

The challenge in the present appeal is to the award dated 01.03.2017, passed by the 7th Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 443/2014.
3. The present is an appeal by the claimant seeking enhancement. The claim case was in respect of the injuries sustained by the appellant on 08.06.2014. As a result of the said accident, the appellant is said to have received grievous injuries and to which he was also

hospitalized and undergone considerable treatment incurring huge expenses.

4. The Tribunal taking into consideration the facts and circumstances of the case has finally awarded an amount of Rs.70,000/- with interest @ 6% per annum from the date of application.
5. The counsel for the appellant submits that the amount of compensation awarded by the Tribunal is on the lower side and the same deserves suitable enhancement considering the gravity of the injuries.
6. Perusal of the record would show that in the entire impugned judgment the actual nature of the injuries has not been discussed, neither is there is any medical evidence to prove the permanent disability suffered by the present appellant. The entire bills pertaining to the medical expenditure incurred have been allowed by the learned Tribunal.
7. Thus, in the opinion of this Court nothing further remains to have been awarded by the Tribunal and in the absence of sufficient evidence both so far as the injury is concerned as regard the permanent disability and the fact that there is no medical expert's opinion, this Court is of the opinion that the amount of compensation awarded is fair and reasonable and the award does not warrant any interference and the same deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge