

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1430 of 2017**

1. Govind Ram Patel S/o Chandrapati Patel Aged About 39 Years
2. Chandrapati Patel S/o Parsram Patel Aged About 64 Years

Both above R/o Village Piparmar, Police Station & Tahsil
Dharmjaighar, District Raigarh, Chhattisgarh

---- Appellants**Versus**

1. Smt. Sujata Sardar Wd/o Late Sukhdev Sardar Aged About 31 Years
2. Ku. Jiya Sardar D/o Late Sukhdev Sardar Aged About 11 Years
Through Her Legal Guardian Smt. Sujata Sardar, Wd/o Late
Sukhdev Sardar Aged 31 Years,

Both above are R/o Village Subhashnagar, Police Station
Gandhinagar, Tahsil Ambikapur District Surguja Chhattisgarh

----Respondents

For Appellants	:	Mr. Anurag Singh, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/10/2017**

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 626 days in filing the
appeal stands condoned.
2. Present is an appeal under Section 173 of the Motor Vehicles Act
assailing the award dated 20.10.2015, by the 4th Additional Motor
Accident Claims Tribunal, Ambikapur, in Motor Accident Claim Case
No.43/2006.
3. Vide the impugned award, the Tribunal in an injury case under
Section 166 of the Motor Vehicles Act has awarded a compensation
of Rs.1,48,000/- with interest @ 9% per annum from the date of

application.

4. The challenge in the instant case by the counsel for the appellant is the fact that during the pendency of the claim application before the Tribunal, the Claimant-injured had died and therefore the only relief which could have been provided to the Claimant would be in respect of the actual expenses which they had incurred during the course of the treatment sustained by the injured-Sukhdev Sardar.
5. A perusal of the record would show that the Tribunal in fact has awarded only that much of compensation, in as much as, out of Rs.1,48,000/-, Rs.1,40,000/- is the expenses which were incurred by the present Claimants in the treatment of the injured- Sukhdev Sardar and the total amount of compensation awarded is only Rs.1,48,000/-. Thus, this Court does not find any strong case made out by the appellant for interference with the impugned award and the grounds raised does not have much force.
6. The appeal therefore deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge