

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1436 of 2017**

Viplaw Das Gupta S/o Late T. K. Das Gupta Aged About 48 Years
R/o Mayapur, Ambikapur, District Surguja, Chhattisgarh.

---- Appellant**Versus**

1. Yashpal S/o Prabhati Lal R/o Mundian, Tahsil And District- Mahendragarh, Haryana.
2. Shriram General Insurance Company Ltd. E-8, E.P.I.P. Ricko Industrial Area, Sitapura, Jaipur, Rajasthan.
3. Khurshid Ahmad Sohil S/o Gulam M. Sohil R/o Chaknarwa Banihal, Tahsil Banihal, District Doda, Jammu Kashmir.
4. Ruksana Hamid W/o Abdul Hamid Saif, R/o Shekh Ulam Colony Baghi Mehtab, Budgam, Kashmir Presently Living At House No. 116, Apna Vihar Colony, Kunjwani, Jammu.
5. United India Insurance Company Limited, Shri Chandra Chinar Trust Building, Reegle Chowk, Shrinagar, Kashmir.

----Respondents

For Appellant	:	Mr. Jai Prakash Shukla, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/10/2017**

1. The challenge in the present appeal is the award dated 14.07.2017, passed by the 5th Additional Motor Accident Claims Tribunal, Surguja (Ambikapur), Chhattisgarh, in Motor Accident Claims Case No. 163/2014. The appeal is under Section 173 of the Motor Vehicles Act by the Claimant seeking for enhancement of the compensation awarded.
2. Vide the impugned award, the Tribunal, in an injury case under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.1,14,260/- with interest @ 7% per annum from the date of application.

3. The counsel for the appellant submits that as a result of the accident that he had met on 14.06.2013, he had received multiple grievous injuries all over his body and he had to be treated for a considerable period of time and in the course treatment a portion of spleen had also been removed from his body and therefore he has become permanently disabled and thus, prayed for the enhancement of the compensation alleging the amount of compensation awarded to be on the lower side.
4. Perusal of record would show that the Tribunal has taken into consideration the entire bills which were raised for the treatment purposes and has accepted and allowed the same and that in addition the Claimant has also been awarded Rs. 10,000/- towards pain and suffering and mental agony that he had gone during the course of the treatment. Further, he was also being awarded an amount of Rs.7,000/- towards the special diet. In addition, a compensation of Rs.44,199.48/- had also been awarded for the loss that he had sustained during the intervening period. He was also awarded an amount of Rs.53,061/- towards treatment and other expenses.
5. Perusal of the record would show that the appellant has not produced any evidence of treating Doctor, neither is there any Doctor examined. In addition, what is also reflected is that there is no certificate proving the permanent disability, if any, which the appellant has suffered, neither is there any document, which was produced to show that he was also undertaking continuous treatment at the time of evidence also.

6. In the absence of there being any document to prove the permanent disability part as also the fact of continuous treatment, this Court is of the opinion that the finding of the Tribunal does not warrant any interference and the appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved