

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR
MAC No. 1451 of 2017

Mohannad Unush Ansari S/o Late Mohammad Wahiyatdin, Aged About 60 Years Caste- Muslim, R/o Sunder Nagar, Sarbahara, Police Station Gaurela, Tahsil Pendra Road, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. Hariprasad Binjhwar S/o Aghan Singh Binjhwar, Aged About 20 Years R/o Village Daurabhata, Kargi Road, District Bilaspur, Chhattisgarh. (Driver Of Offending Vehicle Motor Cycle Registration No. C. G. 10 B A 7379)
2. Aghan Singh Binjhwar, S/o Cherkuram Binjhwar, Aged About 61 Years R/o Village Daurabhata, Kargi Road, District Bilaspur, Chhattisgarh. (Owner Of Offending Vehicle Motor Cycle, Registration No. C. G. 10 B A 7379).

---- Respondents

For Appellant	:	Shri Badal Lal Bhardwaj on behalf of Shri Ashok Soni, Advocate.
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SB: Hon'ble Shri Justice P. Sam Koshy
Order On Board

15/11/2017

1. This is claimant's appeal under Section 173 of the Motor Vehicles Act against the award dated 29.09.2017 passed by the Additional Motor Accident Claims Tribunal, Pendra Road, (in short, the Tribunal) in Claim Case No.7/2016. Vide the impugned award, the Tribunal has rejected the claim application of the claimant.
2. Learned counsel for the appellant submits that since the accident stands proved from the admission of guilt by the driver of the offending vehicle before the criminal court, the Tribunal could not have rejected the claim application and prayed for appropriate relief.
3. However, a perusal of records would show that the claimant has not been able to produce any document with which it could be proved that immediately from the date of accident he had been under

medical treatment. Further, no proof or medical evidence was produced before the Tribunal inasmuch as the doctor also was not examined to prove the disability nor is there any disability certificate available on record disclosing the permanent disability of the claimant.

4. In the absence of any medical evidence, in addition, there being no disability certificate coupled with the fact that there is also no proof of any treatment which the claimant has under taken immediately after the accident, this court does not find any illegality on the part of Tribunal while passing the impugned award.
5. Thus, the appeal being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder