NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No.1638 of 2017

The Oriental Insurance Company Limited, Through – Divisional Manager, Divisional Office, In front of Rajiv Plaza, Old Bus Stand Bilaspur, Tahsil & District Bilaspur (C.G.).

---Appellant

Versus

1. Santosh Khushlani S/o Tahkan Das Khushlani, aged about 50 years, R/o Jabdapara, P.S.Sarkanda, Tahsil & District Bilaspur (C.G.).
2. Bhagwat Prasad S/o Late Santram, aged about 29 years, R/o village Amsena, P.S.Hirri, Tahsil & District Bilaspur (C.G.).
3. Mukesh Kumar Shriwas S/o Laxman Prasad Shriwas, R/o Imlibhata, Bandwapara, Sarkanda, P.S.Sarkanda, Tahsil & District Bilaspur (C.G.).

---Respondents

For appellant/Insurance Company : Shri H.P.Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2017

1. Present is an appeal by the Insurance Company under Section 173 of the Motor Vehicle Act assailing the award dated 02/08/2017 passed by the learned Third Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Motor Accident Claim Case No.113/2010.

2. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicle Act has awarded a compensation of Rs.4,41,383/- with interest @ 6% per annum from the date of application.

3. The contention of the counsel for the appellant is that, the amount of compensation awarded is without any substantial basis. According to him, pending the claim application, the claimant himself has expired and that no

explanation is available on the record for delayed lodging of the F.I.R. He further submits that, the doctor who had treated the deceased has also not been examined before the Court below. He further submits that, the deceased had not died because of the accidental injury but because of some ailment that he was suffering even before the accident that had occurred.

4. Perusal of record show that, the Insurance Company has not led any evidence before the Tribunal to substantiate the contentions put forth by the Insurance Company in the present appeal.

5. In the absence of any evidence on part of the Insurance Company, this Court does not find any strong case made out calling for an interference with the impugned award.

6. What is also pertinent to take note is of the fact that, the Tribunal also has only awarded the amount of the expenses incurred during the course of the treatment and for which the bills have been duly raised before the Tribunal and the entire amount pertaining to the medical expenses and no other amount has been awarded by the Tribunal.

7. Given the aforesaid factual matrix, this Court does not find any strong case worth admitting the appeal and the appeal thus being devoid of merits deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit