NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1585 of 2017

ICICI Lombard General Insurance Co. Ltd. Through Its Legal Manger Vanijya Bhawan First Floor, Devendra Nagar Raipur Chhattisgarh. (Insurer)

---- Appellant

Versus

1. Anjali W/o Hemant Verma Aged About 28 Years
2. Kaushalya W/o Tulsiram Verma Aged About 48 Years

   Both R/o Post Office Pathri, Thana Dharsiwa District Raipur Chhattisgarh. (Claimants)
3. Bhikamchand S/o Nem Singh Sahu R/o Post Office Pathri, Thana Dharsiwa District Raipur Chhattisgarh. (Driver)
4. Shatrudhan Lal S/o Sadhuram Sahu R/o Khairkhut, Post Office Tarpongi Thana Dharsiwa District Raipur Chhattisgarh (Owner)

–--Respondents

For Appellant	:	Mr. Amrito Das, Advocate along with Mr. P. Acharya, Advocate

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/11/2017

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 07 days in filing the appeal stands condoned.

2. The challenge in the present appeal is to the award dated 10.08.2017, passed by the Chief Motor Accident Claims Tribunal, Raipur, Chhattisgarh in Motor Accident Claim Case No. 157/2012.

3. Vide the impugned award the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.10,89,000/- with interest @ 9% per annum from the date of application.

4. The ground of challenge is firstly the liability part which has been fastened upon and also the quantum of compensation awarded being on the higher side. So far as the challenge to the liability part is concerned, the contention of the Insurance Company is that the F.I.R. which was lodged, did not reflect the involvement of the offending vehicle in the present Motor Accident Claims Tribunal, which was resulted in the accident.

5. So far as the quantum part is concerned, the contentions is that the deduction towards the personal expenses made is on the higher side as it should had been 1/3 instead the Tribunal has taken it as 1/4.

6. Perusal of the award would show that the Insurance Company as such has not led any evidence before the Tribunal so far as to disown the liability part is concerned and on the contrary there is evidence on behalf of the Owner which could establish that the accident did occur from the offending vehicle. Thus, the grounds so raised by the Insurance Company is not sustainable and same stands negated.

7. So far as the deduction towards personal expenses is concerned, this Court is not inclined to interfere on the said ground alone. Considering the fact that it was a death of a person aged around 31 years and the Claimants being the widow and mother of the deceased, this Court feels that the award passed by the Tribunal is just and reasonable and does not warrant any interference.

8. The appeal thus fails and accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved