

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 1639 OF 2017

Haidar Shekh, S/o Saifuddin Shekh, aged about 28 years, R/o V.V. Krishnapura, Post: Saiyadpur, Kaliya Chowk, District Malda (West Bengal)

... Appellant

versus

1. Durgesh Kumar Kurrey, S/o Dashrath Kurrey, aged about 32 years, R/o Dhaneli, Bilaspur Road, Raipur, District Raipur (C.G.)
2. Anurag Jain (Huf), R/o T-14, Raheja Tower, Jail Road, Fafadih Chowk, Raipur, District Raipur (C.G.)
3. The New India Insurance Company Limited, Branch Office: Millennium Plaza Road, Sakina Mention, Bansal Raipur, C/o Madina Building, Kachhari Road, Jail Road, Raipur, District Raipur (C.G.)

... Respondents

For Appellant : Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2017

1. The present is a claimant's appeal under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the Additional Motor Accident Claims Tribunal, Dhamtari, vide award dated 14.9.2017 passed in Claim Case No.170/2016.
2. Vide the impugned award, the learned Tribunal, in an injury case, under Section 166/140 of the Motor Vehicles Act, has awarded a compensation of Rs.97,789/- to the injured-claimant with interest thereon at the rate of 6% per annum from the date of claim application.
3. Learned counsel for the appellant-claimant submits that the learned Tribunal has not awarded appropriate compensation for the disability which has been caused to the claimant by virtue of the accident. He further submits that the entire medical expenses have also not been awarded, as there was huge amount of expenditure incurred for which the claimant did not have bills with him which could be produced before the learned Tribunal and thus prayed for a suitable enhancement of the amount of compensation awarded.

4. A perusal of the impugned award would show that the learned Tribunal has accepted the entire bills which were put forth before it towards medical expenses and further the impugned award shows that the claimant has not led any evidence of any doctor to establish the permanent disability that he has suffered. Further, there is also no disability certificate from the District Medical Board to ascertain the disability. In addition, from the nature of the accident what reflects is that the claimant on account of the said accident had received fracture on his leg.

5. In the given facts and circumstances of the case, this Court is of the opinion that no strong case has been made out for interfering with the impugned award nor has there been any sufficient material produced with which the amount of compensation could have been enhanced.

6. The appeal thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge