

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1650 of 2017

Rohit Sonkusre S/o Mahesh Manohar Rao Sonkusra, Aged About 11 Years Minor Through Amicus Curry, Father Mahesh Manohar Sonkusre, R/o M. I. G. 7 Shahyog Park, Mahaveer Nagar, Near Dr. Shobha Sonays House P. S. Telibandha, Raipur District Raipur Chhattisgarh

---- Appellant

Versus

1. Amit Kumar Yadav S/o Kaniyalal Yadav, Aged About 27 Years Occupation Driver Tata 1109, R/o Arasi Tola, P. S. Dongargaon, District Rajnandgaon Chhattisgarh (Driver)
2. Mannan Mohd. Kureshi, S/o Jhan Mohd. Kureshi, R/o Village Kokpur, P. S. Dongargaon, District Rajnandgaon Chhattisgarh (Owner)
3. Megma H. D. I. General Insurance Company Ltd., Through Branch Manager Officer, Address House No. 3, Naya, Ground Floor, Chirhuldeeh Ward, Opposite Rajkumar College, G. E. Road, Raipur District And Tahsil Raipur Chhattisgarh (Insurer)

---Respondents

For Appellant	:	Mr. Akhilesh Mishra, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. Present is an appeal by the injured under Section 173 of the Motor Vehicles Act. The challenge is to the award dated 12.09.2017, passed by the 5th Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 338/2014. Vide the impugned award the Tribunal in an injury case has awarded a compensation of Rs.1,75,471/- with interest @4% per annum from the date of application.
2. The counsel for the appellant submits that the compensation awarded by the Tribunal is on the lower side and that considering the nature of injury and the disability suffered by the injured, the compensation awarded to the claimant deserves to be enhanced

substantially. Counsel for the appellant submits that the injured in the instant case is an 11 years' young boy and that he had received multiple injuries all over his body and as a result of the accident and the subsequent treatment he still is suffering in as much as he suffers frequent headaches and also had the tendency of vomiting and on account of which he is not able to pursue his studies effectively and prays for suitable enhancement of compensation.

3. However, on perusal of record would reveal that the claimant has not examined any Doctor before the Tribunal to specify the nature of disability or the extent of disability suffered by the present appellant. There is also no disability certificate available from the competent medical board assessing the permanent disability suffered by the claimant. In the absence of any medical evidence so also in the absence of any permanent disability certificate from a competent medical board, this Court does not find any strong case for interfering with the impugned award or enhancing the same.
4. The appeal thus being devoid of merit stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved