

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MA No. 1066 of 2004**

Smt. Sulochana Choudhari Wd/o Late Ishwar Chaudhari, aged about 24 years, R/o village Palsapali, Post Bhawarpur, Tahsil Saraipali, Distt. Raipur (CG).

---- Appellant**Versus**

Lambodar S/o Asantlal Chaudhari, Aged about 30 years, R/o village Palsapali, Post Bhawarpur, Tahsil Saraipali, Distt. Raipur (CG).

---- Respondent

For Appellant	:	Shri Manoj Paranjape and Shri Anurag Singh, Advocate
For Respondent	:	Shri RS Patel, Advocate

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/07/2017**

1. The present is an appeal under Section 173 of the Motor Vehicles Act against the award dated 31.07.2004 passed by the 1st Additional Motor Accident Claims Tribunal, Mahasamund in Claim Case No.43/1998. Vide the impugned award the Tribunal considering the evidence and pleading which has come on record dismissed the claim application of the claimant leading to filing of present appeal.
2. A bare perusal of records as also the finding arrived at by the Tribunal is that the deceased late Ishwar Choudhari was himself driving the offending tractor bearing Registration No.MP-23-B-3331 at the time of accident. It was while in the course of his own driving that the accident arose resulting in his death.
3. In view of this categorical finding which has come before the Tribunal,

this court has no hesitation in reaching to the conclusion that the finding of the Tribunal rejecting the claim application was proper, legal and justified as indisputably the deceased himself was driving the tractor when he met with an accident.

4. The appeal thus being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder