

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 1240 of 2010**

State of Chhattisgarh Through The Director, Directorate Of Urban Administration And Development, Raipur, Represented Through P.B. Kashi, aged about 47 years, Joint Director, Urban Administration and Development Department, Bilaspur

-----Appellant**Versus**

1. Arun Baghele S/o Shri RL Baghele, aged about 24 years, R/o Ward No.26, Prem Nagar, Balaghat, Distt. Balaghat (MP).
2. Krishna Kumar @ Krishna S/o Beldar Sahu, aged about 29 years, R/o Near Railway Crossing Bada, Ashok Nagar, Gudiyari, District Raipur.

-----Respondents

For Appellant	:	Shri DR Minj, Dy. Govt. Advocate.
For respondent No.1	:	Shri Shivendu Pandya, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****03.11.2017.**

1. The present is an appeal under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 04.10.2010 passed by the 9th Additional Motor Accident Claims Tribunal, Raipur (for short, the Tribunal) in Claim Case No.119 of 2010. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act in an injury case has awarded a compensation of Rs.1,25,162/- to the claimant along with interest @ 7.5 percent per annum.
2. The challenge is primarily on the ground that the impugned award has been passed by the Tribunal in spite of the fact that the doctor has not been examined.
3. Having perused the record, the finding so far as accident to have

occurred is not in dispute, neither is in dispute that the respondent No.1-claimant received injuries in the said accident. So far as disability part is concerned, the doctor might not have been examined, however, the expenditure incurred is undisputed and stands established from the evidence of the statement of the claimant himself before the Tribunal and where the medical bills which were raised were duly proved and established and out of total amount of compensation of Rs.1,25,162/- as awarded by the Tribunal, an amount of Rs.95,162/- was towards the medical expenditure and the balance amount is hardly Rs.30,000/-which in the opinion of this court cannot be said to be either exorbitant or contrary to the evidence which have come on record.

4. Thus, the appeal does not have much force to be allowed nor does it call for an interference with the impugned award.
5. The appeal accordingly being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
Judge