

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1228 of 2008**

1. Neeraj Luthra S/o Shri Navin Luthra, R/o V-5, Vishalnagar, Telibandha, Police Station Telibandha, Raipur, District Raipur (C.G.).
2. Preetam Singh Saluja, R/o Narmadanagar, Raipur (C.G.).

---Appellants**Versus**

Dinesh Agrawal S/o Late Shri Prayag Chand Agrawal, aged about 25 years, R/o Shiv Complex Mova, Police Station Pandri, Raipur, District Raipur (C.G.).

---Respondent

For the appellants	:	Shri P.P.Sahu along with Shri R.K.Pali, Advocates.
For respondent	:	Shri Shivendu Pandya, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/10/2017**

1. Present is an appeal under Section 173 of the Motor Vehicle Act assailing the award dated 20/06/2007 passed by the Additional Motor Accidents Claims Tribunal (F.T.C.) Raipur in Motor Accident Claim Case No.128/2006.
2. Vide the said impugned award, the Tribunal in an injury case under Section 166 has awarded the compensation of Rs.2,28,260/- along with interest @ 7.5% per annum from the date of application.
3. The contention of the counsel for the appellants is that, the vehicle was not involved in the accident and that it is a false and fabricated case which has been filed by the claimant and which stood adjudicated by the Tribunal. He further submits, that he had produced the evidence of NAW/3 – the mechanic Mohammad Shaabir who has admitted the fact, that the vehicle at the relevant point of time brought to his garage for repairing. He had also produced the document in this regard i.e. Exhibit – D/1 & D/2 but the

Tribunal did not properly appreciate this contention and have wrongly fastened the liability upon the appellants. He further submits, that the complete details of the vehicle also was not reflected in the F.I.R.

4. The counsel for the claimant however opposing the appeal submits, that it is a case where sufficient evidence was produced before the Tribunal to show, that the accident had occurred from the vehicle belonging to the appellant. He further submits, that the Tribunal in its finding in paragraph 11 of the award has carefully discussed the reason to disbelieve the case of the appellant/owner of the vehicle.

5. Considering the facts and circumstances of the case more particularly the F.I.R. which was lodged immediately on 16/03/2006 wherein the vehicle number was clearly mentioned gives sufficient strength and force on the contention put forth by the claimant.

6. Further the document which have been produced by the counsel for the appellants show, that they have been got prepared subsequent to the filing of the Written Statement and which again forces this court to draw an adverse inference as has been rightly drawn by the Tribunal against the present appellant.

7. In view of the same this court is of the opinion, that no strong case has been made out by the counsel for the appellants calling for interference with the impugned award and that the award passed by the Tribunal is proper, legal and justified.

8. The appeal of the appellants thus being devoid of merit deserves to be and is accordingly dismissed.

9. The interim relief earlier granted would stand vacated and it shall be the responsibility of the appellant/owner of the vehicle to ensure depositing of the compensation, awarded by the Tribunal.

**Sd/-
(P. Sam Koshy)
Judge**