

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 845 of 2008**

Smt. Dropati Bai (since dead), through: L.Rs.

1. Jagdish Chand Sahu, S/o. Late Panchram Sahu, Aged about 59 years,
2. Jugal Kishore Sahu, S/o. Jagdish Chand Sahu, Aged about 24 years,
3. Dharamlal Sahu, S/o. Jagdish Chand Sahu, Aged about 23 years,
4. Ku. Sunita Sahu, D/o. Jagdish Chand Sahu, Aged about 19 years,
5. Ku. Rashmi Sahu, D/o. Jagdish Chand Sahu, Aged about 15 years,
6. Smt. Sunita Sahu, Wd/o. Late Nand Kishore Sahu, Aged about 30 years,

All are R/o. Village Bilari, Post Bilari, Tahsil and Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh

---- Appellants

Versus

1. Rameshwar Prasad, S/o. Shri Dhaniram Sarthi, Aged about 38 years, R/o. Madhya Pradesh Rajya Parivahan Nigam Depot Korba, District Korba, Chhattisgarh
2. Madhya Pradesh Sadak Parivahan Nigam, Through: Manager, Habibganj, Bhopal, Madhya Pradesh
3. Manager, Chhattisgarh Adhosanrachana Vikas Nigam (Parivahan Prabhar), Raipur, District Raipur Chhattisgarh
4. State of Chhattisgarh, Through: the Collector, Bilaspur, District Bilaspur, Chhattisgarh

----Respondents

For Appellant	:	Mr. Rupesh Shrivastava, Advocate
For Respondent No.1	:	Mr. Lav Sharma, Advocate
For Respondent No.3	:	Mr. R.N. Pusty, Advocate
For Respondent No.4/State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/11/2017

1. Present is an appeal under Section 173 of the Motor Vehicles Act by one Smt. Dropati Bai challenging the award dated 28.04.2008, passed by the Additional Motor Accident Claims Tribunal, Bilaspur,

Chhattisgarh, in Claim Case No. 85/2007.

2. Vide the impugned award, the Tribunal, in an injury case under Section 166 of the Motor Vehicles Act, has allowed an application and ordered for payment of **Rs.1,27,000/-** with interest @ 7% per annum from the date of application.
3. The appeal was filed by Smt. Dropati Bai on 23.06.2008 seeking for enhancement of the compensation. Pending the appeal the said appellant Smt. Dropati Bai died on 08.10.2013, subsequently her husband Shri Jagdish Chandra Sahu and children were brought on record. Pending the appeal the husband of said Dropati Bai, Jagdish Chandra Sahu has also expired. Now the only Legal Representatives left are whose named find place as appellants No. 2 to 6 in the cause title (newly added Claimants).
4. The claim application was pertaining to the injuries sustained by Smt. Dropati Bai.
5. Considering the facts that pending the appeal before this Court, the said Dropati Bai and subsequently her husband Jagdish Chandra also has expired, this Court is of the opinion that appeal of the appellants is hit by provision of Section 306 of the Indian Succession Act. That the only claim, which would be left to be adjudicated upon is the actual expenses which the appellants had incurred during the course of treatment of the injured Dropati Bai.
6. The counsel for the appellants of that matter the Claimants before the Tribunal have not been able to show any documentary proof so

far as the expenses incurred by the appellants-Claimants or the injured in the course of her treatment except that which has been allowed by the Tribunal to the extent of Rs.1,17,000/-.

7. In the absence of any documentary proof produced before the Tribunal or before this Court in the present appeal, this Court is of the opinion in view of the provisions of Section 306 of the Indian Succession Act appellants would not be entitled for any other compensation other than what has been awarded by the Tribunal.
8. The view of this Court also stands fortified from the Full Bench's decision of the Madhya Pradesh High Court reported in ***AIR 2007 M.P. 38***, in the case of “***Smt. Bhagwati Bai and Others vs. Bablu @ Mukund***”.
9. Thus the appeal of the appellants fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge