

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.488 of 2009**

1. Hemchand Sahu S/o Shri Vishnu Prasad Sahu, aged about 24 years, R/o Jangalpara Nagri, Tahsil Nagri, District Dhamtari (C.G.).
2. Vishnu Prasad Sahu S/o Ramdas Sahu, aged about 48 years, R/o Jangalpara Nagri, Tahsil Nagri, District Dhamtari (C.G.).

---Appellants**Versus**

1. Smt.Kalyani Bai Wd/o Tameshwar Pal, aged about 21 years.
 2. Chintaram S/o Fagnu Ram Pal, aged about 54 years.
 3. Smt.Bodhni Bai, W/o Chintara Pal, aged about 50 years.
- All are R/o Village Chorbhatti, Post Bagoud, Police Station and Tahsil Kurud, District Dhamtari (C.G.).

---Respondents

For appellants : Shri R.K.Pali under instructions of Shri P.P.Sahu,
Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/11/2017**

1. Present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 10/02/2009 passed by the learned Additional Motor Accident Claims Tribunal, Dhamtari (C.G.) in Motor Accident Claim Case No.108/2005.
2. Vide the said impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.2,26,200/- along with interest @ 6% per annum.
3. The vehicle at the relevant point of time was not insured.
4. The challenge in the present appeal is the quantum. According to the counsel for the appellants, the quantum of compensation awarded is on the higher side and therefore the same requires suitable modification. He submits that, the income assessed by the Tribunal is also without any basis or evidence which have come on record. He further submits, that the claimants have already received an amount of Rs.1,00,000/- as per the order dated 05/04/2008 passed by District Consumer Forum, Dhamtari under the personal accident liability and

the said amount of Rs.1,00,000/- should had been adjusted from the compensation amount reached at by the Tribunal in the instant case.

5. Perusal of record would show, that the vehicle involved in the present case was not insured at all. The amount of Rs.1,00,000/- which the claimants have received was towards the personal accident claim filed before District Consumer Forum, Dhamtari which has no bearing or relevance for quantifying the compensation under the Motor Vehicles Act.

6. Further, this court taking into consideration the method of calculation and the income assessed does not find, both the income and the calculation which have been made by the Tribunal to be either erroneous or to be excessive in any manner.

7. Thus, this court does not find any strong case made out calling for interference with the impugned award and the appeal thus fails and deserves to be and is accordingly dismissed.

8. The registry is directed to forthwith send a copy of this judgment to the District Legal Services Authority, Dhamtari where the Secretary, District Legal Services Authority, Dhamtari shall make all efforts in serving a copy of this order to the Respondents/claimants at the address mentioned in the cause title.

Sumit

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