

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 79 of 2010

1. Duryodhan S/o. Late Banauram, Aged about 60 years,
 2. Smt. Jagesharibai, W/o. Duryodhan, Aged about 55 years,
- Both are R/o. Village Peeperchhedi, Post Bhothali, Tahsil and District Dhamtari, Chhattisgarh

---- Appellants

Versus

1. Jashbeer Singh, S/o. Darshan Singh Sikkh, Aged about 25 years,
 2. Darshan Singh, S/o. Darbara Singh, Aged about 62 years,
- Both respondents No. 1 & 2 R/o. A.C.C. Labour Camp, Near Ram Mandir, Jamul Bhilai, District Durg Chhattisgarh
3. Branch Manager, The New India Insurance Company Limited, Division Office, Thakkar Complex, G.E. Road, Power House Bhilai, District Durg Chhattisgarh
 4. Smt. Keshar Bai, Wd/o. Late Manoj Gond, Aged about 30 years,
 5. Pankaj Gond, S/o. Late Manoj Gond, Aged about 14 years,
 6. Mukesh Gond, S/o. Late Manoj Gond, Aged about 12 years,
 7. Ku. Tulsi Gond, D/o. Late Manoj Gond, Aged about 10 years,
- Respondents No. 5 to 7 are Minor, represented by their natural guardian and mother Smt. Kesharbai.
- All respondents No. 4 to 7 R/o. Village Peeperchhedi, Post Bhothali, Tahsil and District Dhamtari, Chhattisgarh

----Respondents

For Appellants	:	Mr. Suresh Tandon, Advocate
For Respondent No.3	:	Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/11/2017

1. Present is an appeal by the Claimants under Section 173 of the Motor Vehicles Act assailing the award dated 22.01.2009, passed by the Motor Accident Claims Tribunal, Dhamtari, Chhattisgarh, in Claim Case No. 87/2008.
 2. The Claimants are father and stepmother of the deceased Manoj.
- The Tribunal vide the impugned award has awarded a compensation

of Rs.91,000/- towards the widow and children of the deceased. So far as the claim of the present appellants was concerned, the Tribunal considering the fact that the Claimants were not dependent in any manner upon the income of the deceased had rejected the claim application. It is pertinent to mention that the appeal by the widow and children seeking for enhancement vide MAC No. 418/2009 has already been rejected on 30.08.2011. The present appeal by the present appellants has been filed on the ground that the Tribunal has wrongly rejected their claim application. However, perusal of records and the evidence which have come on record show that the appellant No.1 is the father and appellant No.2 is the stepmother and both of them are staying separately with their own separate children borne to the appellant No.2 and they were not in any manner directly or indirectly depending upon the income of the deceased Manoj, who was staying separately with his wife and children.

3. In the given facts and circumstances of the case, this Court does not find any strong case made out by the appellants calling for an interference with the findings of the learned Tribunal.
4. The appeal of the appellants thus being devoid of merit, the same stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved