

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.863 of 2009**

National Insurance Company Limited, Branch Office – Near Guruduara Gill Complex, Station Road, Durg (C.G.).

---Appellant

Versus

1. Neeraj Sharma S/o Dr.B.P.Sharma, aged 32 years, R/o Kela Badi, Durg Chowk Nagar Palika Complex, Durg (C.G.).
2. Rajendra Kumar Verma S/o Late Jamul Prasad, aged 27 years, R/o Pull Gaon, District Durg (C.G.).
3. R.K.Verma S/o Late Jamuna Prasad, R/o 27 New Adarsh Nagar, Durg (C.G.)

---Respondents

For appellant/Insurance Company : Shri Dashrath Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/11/2017

1. Present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 05/02/2009 passed by the 2nd Additional Motor Accident Claims Tribunal, Durg (C.G.) in Motor Accident Claim Case No.117/2008.
2. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicle Act has awarded the compensation of Rs.2,39,440/- with interest @ 6% per annum.
3. The contention of the counsel for the appellant is that, the compensation awarded by the Tribunal is on the higher side as regards to the income assessed by the Tribunal and the disability also has not been sufficiently proved and established and that the nature of the injury was only a simple fracture and the Tribunal assessed the loss of income of more than Rs.2,00,000/- in the instant case.
4. Perusal of the record show, that none of the respondents including the Insurance Company have led any evidence to prove the contention that they have raised and also to establish the contributory negligence alleged by them.

5. In the absence of any evidence led by the Insurance Company this court is of the opinion, that no sufficient ground has been raised for interfering with the impugned award and the appeal thus deserves to be and is accordingly rejected.

Sumit

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