

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 467 of 2011

1. Ravindra Kumar Verma, S/o. Salikram Verma, Aged about 30 years, R/o. Village Cherkapur, Police Station Palari, District Raipur Chhattisgarh (Driver)
2. Salikram Verma, S/o. Fanduram Verma, Aged about 56 years, R/o. Village Cherkapur, Police Station Palari, District Raipur Chhattisgarh (Owner)

---- Appellants

Versus

Dhanesh Sahu, S/o. Sukhram Sahu, Aged about 26 years, R/o. Village Cherkapur, Police Station Palari, District Raipur Chhattisgarh (Claimant)

----Respondent

For Appellants	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. P.P. Sahu, Advocate along with Mr. R.K. Pali, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2017

1. Present is an appeal challenging the award dated 25.11.2010, passed by the 2nd Additional Motor Accident Claims Tribunal, Baloda Bazar, District Raipur Chhattisgarh, in Claim Case No.78/2009.
2. Vide the impugned award the Tribunal has awarded a compensation of Rs.1,18,000/- with interest @ 6% per annum from the date of application.
3. The appeal is by the Owner challenging the quantum of compensation awarded.
4. Counsel for the appellants submits that the Tribunal has erroneously awarded an amount of Rs.75,000/- towards the medical expenditure when the claimants have not produced any proof of the treatment and the expenses incurred in this regard. He submits that unless

there is a proof of medical expenses, the Tribunal could not have awarded Rs.75,000/- for medical expenses. He further submits that from the record it appears that the claimant has undergone the treatment at all the Government Hospitals where he would not have incurred any extra expenses and thus prayed for the award to be suitably modified.

5. Per contra, the counsel for the claimant however opposing the appeal submits that the amount of compensation awarded is just and reasonable and it does not warrant any interference. Particularly taking into consideration the grievous injuries, which the claimant had sustained. He submits that there was a fracture on right ulna bone. Likewise, he had also received grievous injuries on his head as also on his jaw, a couple of teeth had also broken in the accident and thus prayed for the rejection of the appeal.
6. Having considered the contentions put forth on either side and on perusal of record true it is that the claimant had not produced any document to prove the medical expenses incurred by him. However, since the accident was admitted to a hospital and the injuries sustained by the Claimant from the accident also is not in dispute, this Court thus is of the opinion that ends of justice would meet if the appeal of the appellants is allowed to the extent of the impugned award is reduced making the total compensation payable to the claimant at Rs.1,00,000/- instead of Rs.1,18,000/-.
7. It is ordered accordingly that the claimant shall be entitled only for an amount of Rs.1,00,000/- instead of Rs.1,18,000/-. Whatever amount has been deposited by the appellants in the Court below, the same

shall be adjusted against the total amount of Rs.1,00,000/- which has been awarded by this Court. The appeal stands allowed in part.

Sd/-
(P. Sam Koshy)
Judge

Ved