

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 989 of 2017**

Hirawan S/o Parasu Ram Sahu aged about 54 years, R/o Village Kurud, Kurud, Chowki : Gidhpuri, Police station : Palari Tahsil Arang, District Raipur (C.G.)

---- Appellant**Versus**

1. Lalit Kumar Sahu S/o Shri Jagdish Sahu, aged about 27 years, R/o Village Kurud, Chowki : Gidhpuri, Police station : Palari Tehsil Arang, District Raipur (C.G.)

(Driver of offending vehicle Tractor bearing registration No. C.G. 04 DA-7870 & Trolley bearing registration No. C.G. 04 ZC-1164)

2. Shital Chandrakar S/o Ganju Ram Chandrakar, aged about 38 years, R/o Village Kurud, Chowki : Gidhpuri, Police station : Palari Tahsil Arang, District Raipur (C.G.)

(Owner of offending vehicle bearing registration No. C.G. 04 DA- 7870)

3. The Oriental Insurance Company Limited, Division Office, No. 1, Madina Building Kachahari Chowk, District Raipur (C.G.)

(Insurer of offending vehicle bearing registration No. C.G. 04 DA- 7870)

4. Bharatlal Chakradhari S/o of Shri Kej Chakradhari, R/o Village Kurud, Kurud, Chowki : Gidhpuri, Police station : Palari Tahsil Arang, District Raipur (C.G.)

(Owner of Trolley No. C.G. 04 ZC-1164)

---- Respondents

For Appellant : Shri C.K. Sahu, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/07/2017**

The present is an appeal filed by the appellant under Section 173 of the Motor Vehicles Act. The challenge is to the award dated 18.05.2017 passed in Motor Accident Claim case no. 137/13 passed by the First Additional Motor Accident Claims Tribunal Raipur. Vide the impugned award, the Tribunal in a proceeding under Section 166 of the Motor Vehicles Act, has granted compensation of Rs. 28,000/- to the claimant for the injury that he had sustained on 12/09/2011. It is said that as a result of the said accident, the claimant had

received injury on his right leg as well as right hand thumb. Later on the claimant filed a claim application before the Tribunal.

2. Considering the evidences which have common record the Tribunal vide impugned award dated 18.05.2017 granted compensation of Rs. 28,000/- to the claimant.

3. It is this award which is under challenge in the present appeal.

4. Counsel for the appellant submits that the compensation awarded is too meager an amount and the same deserves to be enhanced considering the nature of injury sustained by the appellant like fracture of right hand thumb and injury on his right leg. Hence, prayed for suitable enhancement of the award.

5. However, on perusal of the record it reflects that though the appellant had produced a photocopy of disability certificate but the same was not proved by leading any medical evidence of a doctor to establish or substantiate the injury part. Likewise, the record also shows that the claimant has not produced any document in respect of the treatment that he had undertaken. In the absence there being any evidence of the medical expert and the fact that there is no document to show the nature of treatment provided to the injured in respect of his injury, the assessment made by the Tribunal can't be faulted with.

6. Thus, the appeal being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE