

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1246 of 2017**

The Oriental Insurance Company Limited Branch Office, Laxman Avenue,
Medical College, Road, Jagdalpur, District Bastar Chhattisgarh... Insurer

---- Appellant**Versus**

1. Fattelal Sahu S/o Latelram Sahu, aged about 45 years, Caste Teli, R/o Polie Line, Jagdalpur, Chhattisgarh..... Claimant
2. Vikram Singh Nag, S/o Tulsiram Nag, aged about 30 years, R/o Ambedkar Ward, Jagdalpur, Police Station Bodhghat, District Bastar Chhattisgarh..... Driver
3. Tulsiram Nag S/o Late Sadaram Nag, aged about 62 years, R/o Ambedkar Ward, Jagdalpur, Police Station Bodhghat, District Bastar Chhattisgarh..... Owner

---- Respondents

For Appellant : Shri Raj Awasthi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/10/2017**

Heard on I.A. No.01, application for condonation of delay u/s 5 of Limitation Act.

2. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 9 days in filing the appeal stands condoned.

3. Present is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act assailing the award dated 11.05.2017 passed by the 3rd Additional Motor Accident Claims Tribunal, Bastar place Jagdalpur in Claim Case No. 36/2015. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.7, 99,956/- to the claimant of which the medical expenses alone was more than Rs.5,81,956/-.

4. The solitary ground of challenge by the Insurance Company is the non-consideration of the element of contributory negligence which had led to the accident.

5. However, a perusal of the record would show that the Insurance Company has not led any evidence to substantiate this contention. In the absence of any evidence to establish contributory negligence, this court finds it difficult to admit the appeal.

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

Sd/-

(P. Sam Koshy)
JUDGE