

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 683 of 2006**

K. P. Singh

Versus

Tilak Ram & Others

For Appellant	:	Shri Amiykant Tiwari, Advocate.
For respondent No.3	:	Shri Dashrath Gupta, Advocate.
For respondent No.5	:	Shri Anand Gupta, on behalf of Shri Raj Awasthi, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****31.10.2017.**

1. The present is an appeal filed by the claimant seeking enhancement of compensation under Section 173 of the Motor Vehicles Act (for short, the MV Act) against the award dated 29.03.2006 passed by the 1st Additional Motor Accident Claims Tribunal, Raipur (for short, the Tribunal) in Claim Case No.89/2004. Vide the said impugned award, the Tribunal in a claim application filed under Section 166 of the MV Act in an injury case has awarded a compensation of Rs.1,32,000/- to the claimant to be equally borne by respondents No.3 & 5.
2. The contention of the appellant is that the amount of compensation awarded is on lower side inasmuch as the disability has not been properly assessed by the Tribunal while quantifying the compensation and that the amount awarded under other heads are also on lower side.

3. However, a perusal of record would show that before the Tribunal the doctor who has issued the disability certificate has not been examined. The only doctor examined was a neurologist Dr. Sanjay Sharma who had only proved the treatment part, but has not been able to establish the disability sustained by the appellant-claimant.
4. In the absence of any sufficient evidence to prove the disability part of the claimant, the finding arrived at by the Tribunal cannot be said to be bad in law and the amount of compensation awarded being just, proper and reasonable, the appeal deserves to be and is accordingly rejected.

Sd/-
(P.Sam Koshy)
Judge

inder