

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1526 of 2017**

Ishwar Prasad S/o Nohar Sai Sahu Aged About 18 Years R/o Village Khajri, Police Station & Tahsil Bilaigarh, District Baloda Bazar - Bhatapara Chhattisgarh.

---Appellant

Versus

1. Dadu Ram Sahu S/o Chhabilal Sahu Aged About 23 Years R/o Village Rampur, Police Station & Tahsil Bilaigarh, District Baloda Bazar- Bhatapara Chhattisgarh (Driver Of Offending Vehicle Bolero Bearing Registration No. C. G. 22- A C-9954)
2. Mukeshwar Prasad S/o Chhabilal Sahu Aged About 32 Years R/o Village Rampur, Police Station & Tahsil Bilaigarh, District Baloda Bazar- Bhatapara Chhattisgarh (Owner Of Offending Vehicle Bolero Bearing Registration No. C. G. 22- A C- 9954)
3. The United India Insurance Company Limited Branch Office, Amar Complex Jivan Bima Marg, Near Pandri, Railway Crossing Raipur, District Raipur Chhattisgarh (Inserer Of Offending Vehicle Bolero Bearing Registration No. C. G. 22- A C-9954)

---Respondents

For appellant : Shri C.K.Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/11/2017

1. Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 14/07/2017 passed by the learned Motor Accident Claims Tribunal, Baloda Bazaar, District Bhatapara (C.G.) in Motor Accident Claim Case No.50/2016.

2. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded the

compensation of Rs.97,832/- along with interest @ 9% per annum from the date of application.

3. The counsel for the appellant submits, that the appellant in the instant case is an 18 years old young boy and was a college going student met with an accident and he was hospitalized for a period of 8 months for his treatment. He further submits, that he received grievous injuries on his head, but unfortunately, the doctor could not be examined and as a result, the amount of compensation awarded is too meagre as compared to the disability and the expenses incurred in the course of his treatment and therefore he prays for remanding of the matter with liberty to the appellant to get the doctor examined either by issuance of summons or on commission so that the injury and the disability could be sufficiently proved before the Tribunal and the claimant may get suitable compensation.

4. The prayer made by the counsel for the appellant seems to be fair and reasonable and thus this court is of the opinion that ends of justice would meet if the appellant is granted an opportunity to lead evidence of the doctor before the Tribunal to prove the injury and the disability caused. The appellant shall also have liberty to get the doctor examined either by issuance of summons or on commission.

5. With the aforesaid direction, the impugned award is set aside and the matter is remitted back to the Tribunal to grant another opportunity to the claimant to prove his case so far as the injury and the disability is concerned and to pass an order afresh. The appellant shall appear before the Tribunal on 29/11/2017 and

shall make all endeavors to get the doctor examined at the earliest and shall also take all necessary steps in this regard.

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

Sumit