

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1253 of 2017

Indra Kumar Panda S/o Shiv Shankar Panda, aged about 39 Years,
R/o Village Lakha, Tahsil and District Raigarh (C.G.)

---- Appellant

Versus

1. Smt. Geeta Ijardar Wd/o Late J. P. Ijardar, aged about 48 Years, R/o Beladula, Kharraghat, Tahsil And District Raigarh (C.G.).
2. Balram Chouhan S/o Nakul Chouhan, aged about 35 Years, Occupation Driver, R/o Village Lakha, Tahsil And District Raigarh (C.G.).

---Respondents

For Appellant : Shri Dashrath Kushwaha, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/09/2017

1. Present is an appeal under section 173 of the Motor Vehicle Act whereby the owner has preferred the appeal assailing the award dated 28/07/2017 passed in MACT Case No.97/2016.
2. Vide the said impugned award, the Tribunal in a claim case under Section 166 of the MV Act has awarded compensation of Rs.1,34,860/- along with interest @ 8% per annum. Since the vehicle was not insured, the liability fell upon the Appellant-owner.
3. The counsel for the appellant assailing the impugned award submits that, the amount of compensation awarded for the damages of the vehicle is on the higher side and it has not been sufficiently proved by the claimant before the court below.
4. Further the evidence of Sikandar Khan-AW-2 shows the charges for repairing the vehicle by Sikandar Khan-the mechanic was only to the tune of Rs.68,500/-. Thus claim ought to had been restricted to that extent.
5. However from perusal of the record it reveals that, the said mechanic Sikandar Khan-AW-2 has specifically deposed before the Tribunal so far as the purchase of the spare parts from different shops which was required to be replaced in the course of repairing of the vehicle

and the bills which also had been produced before the Tribunal and marked as Exhibit P-7 to P-17. The amount of Rs.68,500/- as deposited by the mechanic was the labour charges incurred during the repairing of the vehicle.

6. Thus, from the deposition of the AW-2 it is evidently clear that the bills were pertaining to the expenses incurred in the course of repairing of the vehicle and therefore contentions raised by the claimants assailing the impugned order has no merits and no strong case worth admitting the appeal has been made out.
7. The appeal thus deserves to be and is accordingly rejected.

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