NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1292 of 2017

Reliance General Insurance Company Limited, Through Its Legal Officer, Reliance General Insurance Company Limited, 301-302, Corporate House, 169 R N T Marg, Opposite Jhabua Tower, Indore, Madhya Pradesh.

---- Appellant

Versus

1. Smt. Sati Sahu W/o Arun Kumar Sahu, Aged About 38 Years
2. Arun Kumar Sahu S/o Late Mohan Lal Sahu, Aged About 42 Years
3. Ku. Asha Sahu, D/o Arun Kumar Sahu, Aged About 15 Years
4. Ku. Neelam Sahu D/o Arun Kumar Sahu, Aged About 13 Years

   Respondents No.3 and 4 being Minor Represented Through Father Arun Kumar Sahu,

   All R/o Vikas Nagar, Gurhiyari, Police Station Gurhiyari, Raipur, Chhattisgarh.
5. Indra Kumar Rajbhar, S/o Dev Narayan Rajbhar, Aged About 52 Years R/o 204, Jalaram Complex, Angcharge Rasta, Ichchhapur, Hajira Road, District Surat (Gujrat)
6. Imran A. Ansari, S/o Alam Ansari, R/o 204, Jalaram Complex, Angcharge Rasta, Ichchhapur, Hajira Road, District Surat (Gujrat)

----Respondents

For Appellant	:	Mr. Tarkeshwar Nande, Advocate along with Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2017

1. Present is an appeal under Section 173 of the Motor Vehicles Act. The challenge is by the Insurance Company to the award dated 12.07.2017, passed by the 1st Additional Motor Accident Claims Tribunal, Raipur, in Motor Accident Claim Case No. 537/2016. Vide the said impugned award the Tribunal in a claim case under Section 166 of Motor Vehicles Act has awarded a compensation of Rs. 19,66,000/- with interest @ 7.5% per annum.

2. The present appeal by the Insurance Company is assailing the quantum awarded by the Tribunal. According to the counsel for the appellant, the Tribunal has not properly assessed the income of the

deceased and have only assessed the income based upon certain bills, which were produced during the course of the evidence.

3. A perusal of the record would show that the Tribunal has found that the bills, which were produced before the Tribunal were for an amount of more than Rs.34,000/- but the Tribunal did not accept the same and have assessed the income of at least 50% of the bills that was raised i.e. Rs.17,000/-. A perusal of the record further shows that it is a case where the deceased was running an Electric shop and was operating his business in the crowded area of the capital city of Raipur. This Court does not find the assessment made by the Tribunal to be either on the higher side or exorbitant.

4. Thus, in the given factual aspects of the case and that no other grounds were raised to assail the impugned order, this Court does not find any strong case made out by the Insurance Company worth admitting the appeal. The appeal thus stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved