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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 751 of 2012**

Balchand Jain S/o Ghewarchand Aged About 54 Years R/o. Sihawa,
Tahsil Nagari, District Dhamtari, Chhattisgarh (Owner)

---- Appellant**Versus**

1. Baliram Yaduvanshi S/o Johan Singh Yaduvanshi Aged About 54 Years, R/o. Sarangpuri, P.S. Sihawa, Tah. Nagari, Distt. Dhamtari, Chhattisgarh. At Present R/o Bardebhata, Kanker, Distt. Kanker, Chhattisgarh
2. Ramesh Patel S/o Punitram Patel Aged About 28 Years R/o. Sihawa, Tahsil Nagari, District Dhamtari, Chhattisgarh

---- Respondents

For Appellant : Mr. Shikhar Bhaktyar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/02/2018**

1. Present is an appeal by the Owner under Section 173 of the Motor Vehicles Act assailing the award dated 03.04.2012, passed by the Motor Accident Claims Tribunal, North Bastar, Kanker, Chhattisgarh, in Claim Case No. 95/2010.
2. Vide the impugned award, the Tribunal, in an injury case, has awarded a compensation of Rs.2,28,833/- with interest @ 6% per annum from the date of application.
3. Since there was no insurance of the offending vehicle, the liability of payment of compensation has been fastened upon the present appellant- Owner of the vehicle. The challenge to the impugned award is on the quantum of compensation awarded. The contention of the counsel for the appellant is that of the said amount of compensation, the major portion of the award amount is towards the medical expenses. It is the contention of the counsel for the

appellant that the Claimant in the instant case has got the entire medical expenditure reimbursed from the employer i.e. the Chhattisgarh State Electricity Board, where the Claimant was an employee. He referred to certain information obtained under the Right to Information Act in this regard and thus prayed for the award to be suitably modified.

4. Perusal of the record would show that the documents obtained under the Right to Information Act shows that the department had only released an amount of Rs.32,820/- to the Claimant of the total bills for reimbursement raised of an amount of Rs.1,49,427/-, this by itself shows that the Claimant has incurred more expenses than what has been processed for reimbursement.
5. Given the facts and circumstances of the case, this Court is of the opinion that the Owner has not been able to substantiate its contention by leading cogent and material evidence before the Tribunal calling for an interference with the impugned award.
6. The appeal thus being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge