

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 997 of 2012

Smt.Shanti Agrawal W/o Late Pawan Agrawal, aged about 60 years,
R/o Ward No.5, Nayapara, Mahasamund, P.S.Mahasamund, Tahsil
Mahasamund, District Mahasamund (C.G.) (Claimant).

---Appellant

Versus

1. Sushila Sahu W/o Late Rajkumar Sahu, aged about 40 years, R/o Ram Rahim Nagar, Mahasamund, P.S.Mahasamund, Tahsil Mahasamund, District Mahasamund (C.G.) (Driver and Owner).
2. Ifco Tokiyo General Insurance Company Limited, Through Divisional Office, Lal Ganga Shopping Mal, Raipur, Manager, Divisional Office No.1, Madina, District Raipur (C.G.) (Insurer).

---Respondents

For appellant	:	Shri Shikhar Sharma on behalf of Shri Raghvendra Pradhan, Advocate.
For respondents No. 2	:	Shri K.Rohan on behalf of Shri Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/02/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 11/07/2012 passed by the learned Motor Accident Claims Tribunal, Mahasamund (C.G.) in Motor Accident Claim Case No.96/2010.
2. Vide the impugned award, the Tribunal has rejected the claim application of the appellant.
3. The counsel for the appellant submits that, the rejection of the claim application is bad in law, as there is sufficient material produced before the

Tribunal to establish the accident, the resultant injury, the treatment and the disability suffered by the appellant.

4. Perusal of record would show that, except for the statement of the claimant, there is no sufficient material or evidence produced by the claimant to establish the accident, the disability part if any, the treatment and the expenses incurred in the treatment.

5. Further, it also appears from perusal of record that, neither the bills of the hospital or the clinic have been proved by any witness from the hospital nor was the treating doctor examined to prove that the claimant suffered from any permanent disability.

6. In the absence of any such evidence on part of the claimant, the finding of the Tribunal thus cannot be found fault with.

7. Even in the present appeal also, the appellant have not been able to produce any sufficient additional material with which the case of the claimant could have been substantiated.

8. In the given facts and circumstances of the case, this Court does not find any strong case made out by the counsel for the appellant calling for an interference with the impugned award.

9. The appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE