

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No.115 of 2018

Tokeshwer Dhiwer S/o Late Ghashi Ram Dhiwer, Aged About 23 Years,  
Occupation - Agriculture (Labour), R/o Village Labharakhurd, Thana  
And Distt. Mahasamund (Chhattisgarh).

---Appellant

**Versus**

1. Mukesh Dhruw S/o Moher Singh Dhruw, Aged About 29 Years,  
Occupation - Driver, R/o Banstal, Raipur, Thana City Kotwali, Raipur,  
District Raipur (Chhattisgarh) (Driver Of The Offending Vehicle Indica  
Car No. CG/04/H.C.5672).
2. Vivek Vikter Natal S/o V.W. Natal, Aged About 29 Years, R/o Amlidih,  
Raipur, Thana Rajendra Nagar, Raipur, District Raipur (Chhattisgarh)  
(Registered Owner Of The Offending Vehicle Indica Car No.  
CG/04/H.C. 5672).
3. The United India Insurance Company Limited, Kachehari Chowk Jel  
Road, Raipur, District Raipur (Chhattisgarh) (Insurer Of The Offending  
Vehicle Indica Car No. CG/04/H.C.5672).

---Respondents

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For Appellant/Claimant : Shri A.L.Singroul, Advocate.

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Hon'ble Shri Justice P. Sam Koshy

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Order on Board

19/01/2018

1. Heard on I.A.No.1, which is an application for condonation of delay.
2. Finding the reasons assigned in the said application to be satisfactory,  
I.A.No.1 is allowed and delay of 269 days in filing the appeal stands  
condoned.
3. Present is an appeal filed by the claimant under Section 173 of the  
Motor Vehicles Act, 1988 assailing the award dated 04/01/2017 passed by  
the learned First Additional Motor Accident Claims Tribunal, Mahasamund  
(C.G.) in Motor Accident Claim Case No.70/2014.

4. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.20,000/- with interest @ 7% per annum from the date of application.

5. The counsel for the appellant submits that, the amount of compensation awarded by the Tribunal is too meagre an amount considering the nature of injuries sustained by the claimant. He further submits that, as a result of the accident, the claimant has received multiple injuries all over his body and which has not been properly appreciated by the Tribunal while granting compensation and thus prayed for suitable enhancement of the award.

6. However, considering the facts and circumstances of the case, particularly, taking into consideration the evidences which have come on record it clearly reflects that, the claimant in the instant case has failed to prove his case so far as the disability if any, that he has suffered. It is a case where there is no medical evidence available whatsoever, nor is there any disability certificate produced by the appellant/claimant to substantiate his contention.

7. Given the fact that there is no medical evidence to establish the injuries and the disability, this Court is of the opinion that no strong case has been made out by the counsel for the appellant calling for an interference with the impugned award.

8. The appeal thus fails and is accordingly rejected.

Sd/-  
(P. Sam Koshy)  
JUDGE