

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No.85 of 2018

Prem Lal Tandon S/o Manglu Ram, Aged About 31 Years, R/o Ward No. 1, Sakti, Tahsil Sakti, District Janjgir- Champa Chhattisgarh (Claimant).

---Appellant

Versus

1. Ashok Kumar Dansena S/o Fulchand, Aged About 54 Years, R/o Village Sonbarsha, Police Station Kharsiya, District Janjgir-Champa Chhattisgarh. (Owner Of The Offending Vehicle).
2. United India Insurance Company Limited, Shanti Palace, Near Sarla Villa, Chakradhar Nagar Chowk, Raigarh, District Raigarh Chhattisgarh (Insurer Of The Offending Vehicle).
3. Nigam Kumar Dansena, S/o Ashok Kumar, Aged About 52 Years, R/o. Sonbarsha, Police Station Kharsiya, At Present R/o Singhitrai, Tahsil Dabhra, District Janjgir-Champa Chhattisgarh. (Driver Of The Offending Vehicle).

---Respondents

For the appellant/claimant : Shri Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2018

1. Present is an appeal filed by the claimant under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 27/11/2017 passed by the learned First Additional Motor Accident Claims Tribunal, Sakti, District Janjgir-Champa (C.G.) in Motor Accident Claim Case No. 92/2016.
2. 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.15,122/- with interest @ 6% per annum from the date of application.

3. The counsel for the appellant submits that, the amount of compensation awarded considering the nature of injury sustained by the appellant is too low. He further submits that, the Tribunal has not considered the evidence which has been led by the appellant as also the documents in respect of the treatment that he had undergone.

4. Perusal of record would show that, the only nature of injury which is alleged by the claimant is that of some injuries on his chest and leg, but there was no documents produced by the claimant to establish that, he had received any fracture injuries. Neither has the claimant produced any MLC report or any x-ray report to establish the fracture or injury. In addition, there was also no doctor examined on behalf of the claimant who could have established the disability, if any, caused by the claimant.

5. In the absence of any such material available on record, this Court does not find any strong case made out by the counsel for the appellant calling for an interference with the impugned award.

6. The appeal thus being devoid of merits deserves to to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE