

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 282 of 2018

Pramit Kumar Jain S/o Surendra Kumar Jain, Aged About 35 Years,
Occupation Transport, R/o Qr. No. 306, 307 Zonal Market, Sector 10
Bhilai, District Durg, Chhattisgarh.

---Appellant

Versus

1. Smt. Parmeshwari W/o Late Pawan Kumar, Aged About 23 Years.
2. Sitaram Yadav S/o Late Shiv Prasad, Aged About 55 Years.
3. Smt. Gayatri Yadav W/o Sitaram Yadav, Aged About 50 Years.
All are R/o Batena Para Dhamtari, Tahsil And District Dhamtari
Chhattisgarh. (Claimants)
4. Shiv Kumar Nirmalkar S/o Kanhaiyya Nirmalkar, Aged About 46 Years,
Occupation Driver, Camp-1, Bhilai, P. S. Chawni, Tahsil And District
Durg, Chhattisgarh. (Driver)
5. National Insurance Co. Limited, Butani Complex, G. E. Road, Power
House Bhilai, District Durg, Chhattisgarh. (Insurer)

---Respondents

For appellant/owner : Shri P.R.Patankar, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/02/2018

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 06 days in filing the appeal stands
condoned.
3. Present is an appeal filed by the owner under Section 173 of the Motor
Vehicles Act assailing the award dated 12/10/2017 passed by the learned
Additional Motor Accident Claims Tribunal, Dhamtari (C.G.) in Motor
Accident Claim Case No. 119/2016.

4. Vide the impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.6,18,999/- with interest @ 6% per annum from the date of application.
5. Since the offending vehicle was not insured, the liability of payment of compensation has been fastened upon the present appellant/owner.
6. The challenge is to the quantum of compensation awarded.
7. The counsel for the appellant/owner submits that, the income assessed by the Tribunal is unreasonably high and the same therefore deserves to be interfered. He further submits that, no sufficient evidence has been produced by the claimant No.1 to establish the salary part.
8. Perusal of record would show that, the date of accident in the instant case is 08/02/2016. It is anybody's guess that, at the relevant point of time, even an unskilled labour would had been earning much more than what has been assessed by the Tribunal.
9. Under the circumstances, if the Tribunal has assessed the monthly income of the deceased at Rs.4,000/-, the same cannot be found fault with.
10. This Court therefore does not find any strong case made out by the counsel for the appellant calling for an interference with the impugned award.
11. The appeal thus fails deserve to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE