

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 634 OF 2011

Manwel, S/o Patras, aged about 40 years, Caste Uraon, Police Station Shankergarh, Tahsil Sankergarh, District Sarguja (C.G.)

... Appellant

versus

1. Shiv Shanker Pandey, S/o Sri Sita Ram Pandey, present address C/o Shri Arwind Agrawal, S/o Late Shri Radheshyam Agrawal, C/o Basant Roadway, Address Seth Basantlal Marg, Ambikapur, District Sarguja (C.G.)

2. Shri Arwind Agrawal, S/o Late Shri Radheshyam Agrawal, R/o Ramsagar Para, Raipur, District Raipur (C.G.), Present Address: C/o Basant Roadway, Address : Seth Basantlal Marg, Ambikapur, District Sarguja (C.G.)

3. The Branch Manager, the Oriental Insurance Company Limited, Ambikapur, Branch Office M.D.G. Road, near Ambedkar Chowk, District Sarguja (C.G.)

4. Shambhunath, S/o Laxman Ram, Caste Kanwar, aged about 45 years, R/o Village Jamhor, Police Station Shankergarh, District Sarguja (C.G.), Present Address: C/o Basant Roadway, Address Seth Basantlal Marg, Ambikapur, District Sarguja (C.G.)

... Respondents

For Appellant

:

None appears.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/01/2018

1. None appears for the appellant-claimant when the matter is called out. Considering the fact that the present appeal is of the year 2011, this Court proceeds to decide the same with the available records.

2. The present is a claimant's appeal under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the 4th Additional Motor Accident Claims Tribunal, F.T.C, Ambikapur, District Sarguja, vide its award dated 11.2.2011 passed in Motor Accident Claim Case No. 73/2009.

3. Vide the impugned award, the learned Tribunal, in an injury case, has awarded a compensation of Rs. 11,200/- to the claimant with interest thereon at the rate of 9% per annum from the date of presentation of the claim application.

4. From the perusal of record of the claim application and the appeal, it seems that the claimant has filed his claim on the ground that the amount of compensation awarded is to meagre an amount and that for the nature of injury which he had sustained he was entitled for much more compensation than what has been awarded at. According to the claimant, the Tribunal has failed to take note of the fracture injury which he had sustained from the accident.

5. On perusal of records particularly the statement of doctor who has deposed before the Tribunal that he had not in fact taken any x-ray of the injured nor had he treated him at any point of time. Further, from the record it does not reflect that there was any fracture injury sustained by the claimant. The only injury which has been prescribed shows to be some minor and simple injury on the right hand palm of the claimant and for which the Tribunal for an accident that took place on 21.4.2008 has already awarded a compensation of Rs.6200/- for the medical expenses, Rs.2000/- towards pain and suffering and Rs.1000/- for loss of income for the 4 days treatment that he had undergone. Further, Rs.2000/- has also been awarded for future medical expenses.

6. In the absence of any strong material particularly the medical evidence from the doctor side to show that there was any major disability which has been caused and that the doctor who has deposed has not perused or obtained any x-ray report also while assessing the disability certificate, this Court is of the opinion that the amount of compensation awarded to the claimant seems to be just and reasonable.

7. The appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge