

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 186 of 2018**

Santosh Kumar Nirmalkar S/o Shri Gopal Ram, aged about 30 years, R/o. Village and Post Barna, P.S. Arjuni, Tahsil and District Dhamtari, Chhattisgarh

---- Appellant**Versus**

1. Santosh Kumar Yadav S/o Shri Ram Bharosa Yadav, aged about 30 years, R/o. Village and Post Kharenga, P.S. Arjuni, Tahsil and District Dhamtari, Chhattisgarh (Driver)
2. Balram Dhruv S/o Shri Manohar Dhruv, R/o. Village Koliyari, Tahsil and District Dhamtari, Chhattisgarh (Owner)
3. Branch Manager, National Insurance Company Limited, 2nd Floor, Mobin Mahal, G.E. Road Raipur, Tahsil and District Raipur Chhattisgarh

---- Respondents

For Appellant : Shri Praveen K. Dhurandhar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/01/2018**

Heard on I.A. No.01/18 for condonation of delay in filing the appeal.

2. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 35 days in filing the appeal stands condoned.

3. Present is an appeal by the claimant assailing the award dated 08.09.2017 passed by the Motor Accident Claims Tribunal, Dhamtari (CG) in Claim Case No.206 of 2016. Vide the impugned award, the Tribunal, in an injury case has awarded a compensation of Rs.18,040/- with interest @ 6% per annum from the date of application.

4. Perusal of the record would show that the nature of injury claimed by the appellant was fracture of left leg fingers. However, the claimant has failed to produce any disability certificate to establish the permanent disability, if any, neither was any doctor examined before the Tribunal to prove the disability part. In the absence of any cogent evidence on medical front i.e. disability certificate from a competent medical board so also an evidence of a treating doctor, the finding of the Tribunal cannot be said to be either erroneous or contrary to the evidence on record.

5. The appeal of the claimant thus being devoid of merit, deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**