

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 372 of 2018**

Brijesh Kumar S/o Bodhan Lal, aged about 35 years, R/o Nagar Panchayat Malhar, Police Chowki Malhar, Thana Masturi, District Bilaspur, Chhattisgarh (Claimant)

---- Appellant**Versus**

1. Roshan Singh S/o Budhram Singh, aged about 36 years, Caste Bhanu, R/o Andhyarkhor Bhathatola, Pendra Road Gaorela, Thana Gaorela District Bilaspur, Chhattisgarh (Driver of the offending vehicle Bolero No. C.G.10/AB/1599)
2. Vinayak Netralay Proprietor Dr. Lalit Makhija R/o Agresen Chowk, Link Road, Bilaspur, Thana Civil Line Bilaspur, Tahsil and District Bilaspur, Chhattisgarh (Owner of the offending vehicle Bolero No. C.G.10/AB/1599)
3. Branch Manager, United India Insurance Company Limited, Branch Office 2nd Floor behind of Guru Kripa Tower I.C.I.C.I. Bank Vyapar Vihar Road Bilaspur, Thana Civil Line Tahsil and District Bilaspur, Chhattisgarh (Insurer of the offending vehicle Bolero No. C.G.10/AB/1599)

---- Respondents

For Appellant : Shri A. L. Singroul, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/03/2018**

The present is a claimant's appeal under Section 173 of Motor Vehicles Act seeking for enhancement of compensation. The challenge is to the award dated 17.08.2017 passed by the 4th Additional Motor Accident Claims Tribunal, Bilaspur (CG) in Claim Case No.642/2016. Vide the impugned

award, the Tribunal has awarded compensation of Rs.86,572/- with interest @ 8.5% per annum from the date of application.

2. Counsel for the appellant submits that the compensation awarded to the claimant deserves to be enhanced as compared to the injuries sustained by him and prayed for suitable modification of the award.

3. A perusal of the record would show that as a result of the accident, the claimant had received some injuries on his jaw and that a couple of his teeth had got broken and there was certain stitch injury on his head. Except for this, there does not appear to be any permanent disability which has been sustained by the claimant. Moreover, the doctor in the instant case has not been examined to prove and establish the disability part. In the absence of any sufficient medical evidence establishing the disability part, this Court does not find any strong case made out for enhancing the compensation nor has the claimant brought any substantive material convincing this Court to interfere with the impugned award.

4. The appeal being devoid of merit deserves to be and is accordingly dismissed.

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