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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 381 of 2018**

Swapnil Soni S/o Shri Kishor Soni Aged About 20 Years R/o Ganpati Nagar, New Changorabhatha, District Raipur, Chhattisgarh (Claimant)

---- Appellant**Versus**

1. Govind Dewangan S/o Shri Yadoram Dewangan Aged About 32 Years R/o Ward No.7, New Bus Stand, Paatan, District Durg, Chhattisgarh, Another Address Ward No.4, Babu Bageecha, P.S. Paatan, District Durg, Chhattisgarh (Driver)
2. Yadoram Dewangan S/o Late Dorilal Dewangan R/o Ward No.4, Babu Bageecha, Police Station Paatan, District Durg, Chhattisgarh (Owner)
3. IFFCO Tokio General Insurance Company Limited Through The Branch Manager, MM Plaza, Ring Road No.01, Rajendra Nagar, Tahsil And District Raipur, Chhattisgarh (Insurer)

----Respondents

For Appellant	:	Mr. Dashrath Kushwaha, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2018**

1. Heard on I.A. No.1, which is an application for condonation of delay. For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 35 days in filing the appeal stands condoned.
2. The present is an appeal by the Claimant under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 26.10.2017, passed by the 1st Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Motor Accident Claim Case No. 402/2016.
3. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.1,22,000/- with interest @ 9% per annum from the date of application.
4. The counsel for the appellant submits that the Claimant is entitled for compensation much more than what has been awarded as when

compared to the injury which has been sustained. The counsel for the appellant drew the attention of the Court to paragraph No.29 of the award wherein it has been reflected that the Claimant had suffered fracture on his right leg and had to be operated upon and steel rod has also been implanted. He was also hospitalized for 7 days during treatment and therefore he should be awarded more compensation than what has been awarded.

5. However from perusal of the record, it would reveal that the appellant has not adduced any medical evidence before the Tribunal, nor is there any evidence with which the permanent disability could have been ascertained.
6. In the absence of any medical evidence or any substantial proof of permanent disability, the compensation awarded by the Tribunal cannot be said to be unreasonable or on the lower side.
7. Given the aforesaid facts and circumstances of the case, this Court does not find any strong case made out worth admitting the appeal and the appeal therefore being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge