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HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 52 of 2014**

- Siyaram S/o Kashiram Aged About 36 Years R/o Malpani, P.S. And Tah. Gharghoda, Distt. Raigarh C.G., Chhattisgarh

---- Appellant**Versus**

1. Bhuvan Lal And Ors. S/o Shanker Rathiya Aged About 20 Years R/o Malpani, Baturakachhar, P.S. Gharghoda, Distt. Raigarh C.G., Chhattisgarh
2. Dev Singh Rathiya S/o Amar Singh Rathiya R/o Malpani, Baturakachhar, P.S. Gharghoda, Distt. Raigarh C.G., District : Raigarh, Chhattisgarh
3. The New India Insu.Co.Ltd. S/o Sattigudi Chowk, Raigarh, Distt. Raigarh C.G., District : Raigarh, Chhattisgarh

---- Respondents

For Appellant
For Respondent No.3

Shri G.V.K. Rao, Advocate.
Shri Qamrul Aziz, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order On Board****10/12/2018**

1. This is claimant's appeal seeking enhancement of compensation awarded by the 1st Additional Motor Accidents Claims Tribunal, Raigarh, District Raigarh, C.G. (for short 'the Tribunal') in claim case No.55 of 2012 vide award dated 06.11.2013.
2. As against compensation of Rs. 14,75,000/- claimed by the Nephew of deceased – Shiv Prasad by filing claim application under Section 166 of the Motor Vehicles Act, 1988 (henceforth 'the Act') for his death in the motor accident on 15.11.2010, the Tribunal dismissed the claim petition filed by the claimant Siyaram.

3. The Tribunal, on close scrutiny of the evidence led by the parties, held that the accident had occurred due to rash and negligent driving of Tractor bearing registration No.CG13-D-1135 and Trolley bearing registration No. CG13-D-1136 by its driver – Bhuvan Lal, i.e., respondent No.1 herein, and Shiv Prasad died on account of injuries sustained by him in the said accident.
4. Learned counsel for the appellant submits that claimant being the Nephew of the deceased is entitled for at least Rs.50,000/- on account of fatal accident under No Fault Liability but Tribunal without fastening any liability, dismissed the petition of the claimant. Therefore, this appeal is filed by the claimant.
5. On the other hand, learned counsel appearing for respondent No.3 vehemently opposed the contention made by the claimant and submits that from Para 10 of the award it is evident that the claimant has not proved this fact that he is the nephew of the deceased and there is no relationship between them, therefore, Tribunal rightly dismissed the claim petition of the claimant.
6. I have heard learned counsel for the parties and perused the record of the Tribunal including award impugned.
7. Looking to the evidence of claimant Siya Ram, he has admitted that no document was filed or any other cogent evidence adduced by the claimant that the deceased was the uncle of the claimant. He has not given particulars regarding the income, work or any other personal information of the deceased. Therefore, learned Tribunal considering the evidence adduced by the claimant has recorded a finding that relationship of the deceased with the claimant is not proved and he is not the legal representative of the deceased. Therefore, this Court

finds that Tribunal has rightly dismissed the claim petition of the claimant.

8. For the foregoing reasons, the appeal filed by the appellant is liable to be and is hereby dismissed.
9. No order as to costs.

Sd/-
Gautam Chourdiya
Judge

Akhilesh