

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 133 of 2012**

Somar Sai Prajapati S/o Devshankar Prajapait, aged 40 years, R/o village Karaunti, Post Dawna, District Surguja (CG) (owner)

---- Appellant**Versus**

1. Fulwa Devi Wd/o late Ishwar Prasad Gupta, Age 40 years.
2. Bholu S/o late Ishwar Prasad Gupta, Age 15 years
3. Ku. Asha D/o late Ishwar Prasad Gupta, Age 14 years
4. Ku. Madhu D/o Ishwar Prasad Gupta, Age 12 years
5. Badhan Sao S/o late Shivnarayan Sao, Age 65 years

Respondents 2 to 4 are minors through guardian and mother Fulwa Devi

All R/o village Duga, PS Bhatgaon, District Surguja, CG

---- Respondents

For Appellant	:	Shri Atanu Ghosh, Advocate
For Respondents	:	Shri Utsav Mahiswar under instruction of Shri Adhiraj Surana, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/02/2018**

Present is an owner's appeal under Section 173 of the Motor Vehicles Act assailing the award dated 17.03.2011 passed by the 2nd Additional Motor Accident Claims Tribunal (FTC), Surajpur, District Surguja (CG) in Motor Accident Claim Case No.76/2008. Vide the impugned award the Tribunal in a death case under Section 166 MV Act has awarded a compensation of Rs.3,67,000/- with interest at the rate of 7.5% per annum from the date of application.

2. Contention of the counsel for the appellant is that there is no sufficient evidence to show that the vehicle belonging to the appellant was involved in the accident. He further submits that though a witness was examined but the same was not properly appreciated by the Tribunal.

3. Perusal of the record would show that in fact there is sufficient material which shows that the vehicle belonging to the appellant was involved in the accident in as much as the same was seized by the Police Authorities on the same day and the FIR was also promptly lodged.

4. Thus, this Court is of the opinion that the ground raised by the counsel for the appellant does not have sufficient force calling for an interference with the impugned award.

5. Accordingly, the appeal being devoid of merit stands dismissed.

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