

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 980 of 2018**

Unique Engineering Service Through Manager Ashish Daga S/o Shivshankar Daga, Address - E-14, Near Rramkinkar Road, Samta Colony, Raipur Chhattisgarh. (Owner of Vehicle Motorcycle No. CG-04-CW-4811).

---- Appellant

Versus

Alim Ali S/o Majid Ali Aged About 42 Years R/o Durga Chowk, Santoshi Nagar, Thana Tikrapara, Raipur, Tahsil & District Raipur Chhattisgarh. (Claimant).

---- Respondent

 For Appellant : Mr. Shokie Yadav, Advocate.
 For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

03/08/2018

1. This appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 against the order dated 17.07.2017 passed by First Additional to the First Additional Motor Accidents Claims Tribunal, Raipur in Claim Case No. 160/2014 wherein, the said tribunal awarded a sum of Rs. 2,39,000/- on account of permanent disability to the respondent in a motor accident dated 02.12.2012.
2. As per the claim case filed by the respondent, the appellant is owner of motor cycle bearing registration No. CG-04-CW-4811 and respondent was employer in the company of appellant. He was coming to Raipur from Kanker on direction of the respondent as the appellant was employer and respondent is employee and when he reached near village- Darba, one motor cycle bearing registration No. CG-07-LL-6114 dashed his motor cycle and badly injured the respondent/claimant. During the course of treatment his right leg amputated that caused permanent disability to the respondent. He

filed a claim petition before the tribunal. After hearing both sides, the tribunal awarded the compensation as mentioned above.

3. Learned counsel for the appellant submits that the claim case ought to have been filed against the motor cycle bearing registration No. CG-07-LL-6114, but it is filed against the present appellant which is not maintainable.
4. As per the evidence adduced by the respondent, he was employer in the company of appellant and the respondent himself admitted in his written statement by verification that he is manager of said company. When there is a relation between the parties as employer and employee, the respondent had option to file claim under Section 163-A of the Motor Vehicle Act, 1988 or under Employee Compensation Act, 1923 therefore, the arguments advanced on behalf of the appellant is without substance.
5. Again, the sum awarded by the tribunal on account of permanent disability is just and well assessed and not on higher side, the same is not liable to be interfered with invoking jurisdiction of the appeal.
6. Accordingly, the appeal without substance liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge