

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 611 of 2018

Ayush Agrawal, S/o Shri Shrawan Kumar Agrawal, Aged About 7 Years (Now 10 Years) (Minor), R/o Village Patna, Tahsil Baikunthpur, at Present Gadhelpara, Baikunthpur, Thana Baikunthpur, Civil & Revenue District Korla, Chhattisgarh (minor through his father Shri Shrawan Kumar Agrawal) **---- Applicant**

Versus

1. Branch Manager, Reliance General Insurance Company Limited, Kanuja Tower, Ground, Floor - B/H Flershan India, D.D.P. Standard Maruti, Jabalpur Madhya Pradesh.
At Present 5th Floor, National Corporate Park, G.E. Road, P.S. Saraswati Nagar, Civil & Revenue District Raipur (C.G.)
2. C.P. Shoma Shekhran, S/o Late C.B. Prabhakar, aged 52 years Profession Service R/o B-6, MPEB Colony, Bhandar, Birsinghpur, Thana Pali District Umariya, Civil & Revenue District Umariya(M.P.)
3. Shyam Narayan Dwevedi, S/o Shri Ram Bihari Dwevedi, aged about 52 years, Profession Vehicle Owner, R/o Village Naurojabad, Ward No. 5, Thana Naurojabad, District Umariya, Civil & Revenue District Umariya Madhya Pradesh. **---- Respondents**

For Applicant : Mr. Ashok Kumar Shukla & Mr. Atanu Ghosh,
Advocates.
For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

25/10/2018

1. Heard on application under Order 41 Rule 19 read with Order 9 Rule 9 of C.P.C. for restoration of Cross Objection filed in MA (C) No. 694 of 2015.
2. At the time of incident, age of victim was 7 years. He sustained disability of 45% due to accident. The tribunal has awarded Rs. 1 lac. on count of disability. The trial court has awarded in other counts also and in all Rs. 10,25,000/- is awarded.
3. Since, the tribunal has already awarded on account of disability, the scope for future prospect is merged with disability, therefore, award passed by the trial court needs no modification.
4. Accordingly, MCC No. 611 of 2018 stands rejected.

Sd/-
(Ram Prasanna Sharma)
Judge