

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 60 of 2019

- Dhruvnath Giri @ Shravan Giri S/o Late Banka Giri Aged About 40 Years Occupation - Business, R/o Village Vishrampur, Police Station Vishrampur, District Surajpur Chhattisgarh. (Claimant),

---- Appellant/claimant

Versus

1. The New India Insurance Company Limited Branch Ambikapur, Ambika Transport Campus, Ambedkar Chowk, Banaras Road, Ambikapur, District Surguja Chhattisgarh.
2. Vinay Kumar Singh S/o K.B. Singh Vehicle Owner, R/o Village Gautiya Para Shivnandanpur, Main Road, Vishrampur, District Surajpur Chhattisgarh.
3. Ramnarayan Chauhan S/o Bal Mukund Chauhan Aged About 27 Years Occupation Driver, R/o J.M.Q. Colony, Vishrampur, District Surajpur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Atanu Ghosh, Advocate.
For Respondents	:	None.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

10.01.2019

This appeal is by the claimant for enhancement of the compensation awarded by III Additional Motor Accident Claims Tribunal, Surajpur, in Claim Case No.44/2015 of Rs.70,000/- with interest @ 9% per annum from the date of application till realization.

02. As per claim petition, on 14.11.2015 at around 8 pm deceased Ashok Giri, elder brother of the claimant, suffered grievous injuries in the motor vehicular accident caused due to rash and negligent driving of vehicle Maruti (Swift) Car bearing No. CG 15-CL-1525 by non-applicant No.1 and died during the course of treatment.

03. On claim petition being filed by the claimant, younger brother of the deceased, under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.

04. Learned counsel for the appellant/claimant submits that the Tribunal has not properly appreciated the evidence adduced by the claimant while assessing the compensation and further, has erred in holding that the appellant/claimant was not dependent on the deceased. Therefore, the amount awarded by the Tribunal deserves to be enhanced suitably.

05. Heard learned counsel for the appellant and perused the impugned award.

06. It is not in dispute that the appellant/claimant is an able-bodied and healthy person of about 40 years of age. As per evidence adduced by the claimant, he is also an income tax payee and having sufficient and independent source of income. Thus, the Tribunal considering all the relevant aspects of the case, the nature and quality of evidence adduced by the claimant, keeping in view decision of the Hon'ble Supreme Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi, (2017) 16 SCC 680***, granted an amount of Rs.70,000/- under the conventional heads only. In the given facts and circumstances of the case, the findings so recorded by the Tribunal appear to be just and proper, and being so, are hereby affirmed.

07. In the result, the appeal being bereft of any substance is liable to be dismissed at the admission stage itself and is dismissed as such.

Sd/

(Gautam Chourdiya)
Judge