

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 406 of 2019**

1. Narayan Yadav, aged about 44 years, son of Shri Ghondul Yadav, resident of Padavpara, Mana Basti, Police Station- Mana Camp, Distt.- Raipur (C.G.)

---- Appellant/claimant**Versus**

1. Hemant Kumar Patel, son of Shri Banshidhar Patel, resident of Awanti Tower, B/103, Besides Vidhansabha Police Station- P.S. Vidhan Shabha, Distt.- Raipur (CG), Permanent Address- Village and Post- Timarlaga, P.S. Sarangarh, Distt. Raigarh (C.G.) (Driver of Car No. CG 13 C6715)
2. Banshidhar Patel, son of Late Panchram Patel, resident of- Timarlaga, Tahsil Sarangarh Distt.- Raigarh (C.G.) (Owner of Car No. CG 13 C6715)
3. I.C.I. Lobard Motor Insurance Company, through the Authorized Officer, I.C.I. Libard Motor Insurance Company, Chawla Complex, Devendra Nagar Road, Raipur (C.G.) (Insurer of Car No. CG 13 C6715).

---- Respondents

For Appellant : Shri D. Kushwaha, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****22/02/2019**

01. The matter is listed for hearing on admission.
02. This appeal is by the claimant/injured under Section 173 of the Motor Vehicles Act, 1988 against the award dated 30.11.2018, passed by 4th Additional Motor Accident Claims Tribunal, Raipur Distt. Raipur (CG) in Claim Case No.494/2016 awarding total compensation of Rs.4,66,855/- with interest @ 7.5% per annum from the date of

application till realization, fastening liability on non-applicant No.3/insurance company.

03. As per claim petition, on 02.02.2016 while Narayan Yadav, earning Rs.15,000/- per month as mason was returning to his home (Mana Basti) from Village- Nimora by riding bicycle, on Raipur-Dhamtari road near Deshi Sharab Bhatti non-applicant No.1/driver- Hemant Kumar Patel while driving vehicle (car) bearing No. CG13-C/6715 rashly & negligently, dashed Narayan Yadav, as a result of which he suffered grievous injuries on different part of body i.e. shoulder, hand, both legs, head, chest etc. The offending vehicle is owned by non-applicant No.2 and insured with non-applicant No.3.

04. On claim petition being filed by the claimant/injured, under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by the parties passed an award as mentioned above.

05. Learned counsel for the appellant/claimant submits that though appellant has challenged on several grounds in this appeal, however, he is not pressing all those grounds and is confining his argument on the grounds that the Tribunal has not awarded any amount towards future income. He also submits that the amount awarded toward other heads i.e. pain & suffering, special diet, attendant and future treatment etc. are also on lower side, therefore, it is prayed for suitably enhanced.

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

08. Looking to the entire evidence and contention made by learned counsel for the appellant/claimant, looking to the age of the claimant/injured i.e. more than 45 years & permanent disability to the extent of 30% learned Tribunal considered 25 % future prospect is just & proper. It is also not disputed that all heads i.e. medical bills, conveyance, special diet, loss of earning for three months, for attendant amount awarded are just and proper as per para 25 to 30 of

the judgment of the learned Tribunal. Thus, the Tribunal has already awarded sufficient amount for compensation to the claimant/injured in this case, in these circumstance, this court is of the opinion that the compensation awarded by the learned Tribunal is just & proper which need no interference by this Court.

09. Resultantly, the appeal being without any substance is liable to be dismissed and is, accordingly, dismissed at motion hearing stage.

Sd/-

(Gautam Chourdiya)
Judge