

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1415 of 2015**

1. Rajesh Singh S/o Shri Yogeshwar Prasad Singh, aged about 40 years, Caste- Kshatriya, Occupation- Vyapar, R/o Mohalla Kedarpur, Near Mission Chowk, Ambikapur, District- Surguja (C.G.).

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

1. Vishal Kumar Das S/o Sushil Kumar Das, aged about 15 years, Minor Through Natural Guardian (Father) Sushil Kumar Das, S/o Late Kharki Das,
2. Sushil Kumar Das S/o Late Kharki Das, aged about 40 years, R/o Village Takiya Road, Shikari Road, Mohalla Bouripara, Tahsil- Ambikapur, District- Surguja (C.G.).
3. The Oriental Insurance Company Ltd. Through- Branch Manager, The Oriental Insurance Company Limited, Near Ambedkar Chowk, Manendragarh Road, Ambikapur, District- Surguja (C.G.).

---- Respondents

For Appellant	:	Shri Vivek K. Pandey, Advocate.
For Respondent Nos. 1 & 2.	:	Shri D. K. Tiwari, Advocate.
For Respondent No. 3.	:	Shri H. P. Agrawal, Advocate

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****27/03/2019**

01. With the consent of the parties, the matter is heard finally.
02. This appeal is by the claimant/injured under Section 173 of the Motor Vehicles Act, 1988 against the award dated 03.03.2015, passed by Motor Accident Claims Tribunal, Surguja Ambikapur (CG) in Claim Case No.32/2014 awarding total compensation of Rs. 1,10,389/- with interest @ 6% per annum from the date of application till realization, fastening liability on non-applicants jointly & severally.

03. As per claim petition, on 27.05.2013, at about 8.30 pm claimant- Rajesh Singh was going to his home (Kedarpur) from his shop by riding Motorcycle, at Banaras Chowk, Ambikapur, near Mission Chowk, non-applicant No.2/driver- Sushil K. Das by driving vehicle (Mahendra Xylo) bearing No. CG No. 14C/0397 rashly & negligently, dashed the claimant- Rajesh Singh, as a result of which he suffered grievous injuries on his head and right side of body. 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 awarded meager amount towards loss of 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.

06. It is submitted by learned counsel for the parties that no counter appeal is filed by the Insurance Company.

07. Learned counsel for the respondents No. 1 & 2 opposed the contention made by learned counsel for the appellant.

08. Learned counsel for the respondent/Insurance Company opposed the contention made by learned counsel for the appellant and submits that the amount towards loss of income is just & proper which does not call for any interference.

09. Heard learned counsel for the parties and perused the impugned award.

10. Looking to the entire evidence and contention made by learned

counsel for the appellant/claimant, all medical bills (Exs. P/10 to 59) of Rs. 74,712, conveyance Rs. 17,677/-, special diet Rs. 3,000/-, loss of earning Rs. 6,000/- for two months (monthly notional income considered by the Tribunal as Rs. 3,000/-), for attendant Rs. 4,000/- awarded are just and proper as per paras 15 to 18 of the award 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.

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

Sd/-

(Gautam Chourdiya)

Judge