

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1200 of 2018

- Sumeet Verma S/o Shri Dilip Verma, Aged About 24 Years R/o Village Ganiyari, P.S. Kharora, District Raipur Chhattisgarh. (Claimant)

---- Appellant/claimant

Versus

1. Smt. Maya Devi Vidhani Wd/o Late Mahesh Vidhani,
2. Ravi Vidhani, S/o Late Mahesh Vidhani,
3. Puja Vidhani, D/o Late Mahesh Vidhani,

All are resident of Tilda, Camp Ward No.11, PS Newra, Dist. Raipur (CG) (Vehicle No. CG 04 ZD D 8644, legal heirs of driver deceased Mahesh Vidhani)

- Shobhraj Godhwani, S/o Late Sheetaladar Godhwani, Aged About 57 Years R/o Tilda, Camp Ward No. 4, P.S. Newra, District Raipur Chhattisgarh (Owner Of Vehicle No. CG 04 ZD 8644),
- The New India Insurance Company Limited, First Floor, Madina Building, Kachery, Raipur Chhattisgarh (Insurer Of Vehicle No. CG 04 ZD 8644).

---- Respondents

For Appellant	:	Shri PK Patel, Advocate.
For Respondent Nos 1 to 4	:	None.
For Respondent No.5	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

16/01/2019

This appeal is by the claimant against the award 26.4.2018 passed by 6th Additional Motor Accident Claims Tribunal, Raipur in Claim Case No.31/2014 awarding total compensation of Rs.14,48,722/- with interest @ 7.5% per annum from the date of

application till realization, fastening liability on non-applicants jointly and severely.

02. As per claim petition, on 22.8.2012 at around 10.30 pm while the appellant/claimant was going on motorcycle as a pillion rider, which was being ridden by his uncle Ram Manohar Patel, from Raipur to Village-Ganiyari, the said vehicle was dashed by Mahendra Pick Up bearing No. CG 04 ZD 8644 which was being driven by one Mahesh Vidhani in a rash and negligent manner. As a result of which the appellant/claimant suffered grievous injuries.

03. On claim petition being filed by the claimant 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 learned Tribunal did not properly assess the income of the claimant as well as the medical expenses. He submits that the claimant suffered 58% permanent disability and therefore, considering the nature of job, the Tribunal should have considered 100% loss of earning capacity but it has considered the same only 30%. Further, the amount awarded under the other heads is also on the lower side and therefore, the compensation may be enhanced suitably by this Court.

05. On the other hand, learned counsel for the respondent/insurance company supports the impugned award and submits that the Tribunal considering all the relevant aspects of the matter has rightly awarded compensation, which needs no interference by this Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. Having heard learned counsel for the parties, having gone through their pleadings, the evidence, oral and documentary, adduced by them, the medical documents and all relevant aspects of the matter, this Court finds that the amount awarded by the Tribunal cannot be said to be on the lower side. As per Exs. P/541, 541 & 543 issued by the District Medical Board, the claimant suffered 58% permanent

disability, which was in respect of his right leg. The Tribunal considering the provisions of Workmen Compensation Act has assessed the permanent disablement in respect of the whole body to the extent of 30% and computed the compensation on that basis. This Court finds no illegality in the said finding of the Tribunal.

08. In the result, the appeal being without any substance is liable to be dismissed and is, accordingly, dismissed.

Sd/

(Gautam Chourdiya)

Judge