

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1621 of 2018**

1. Manish Dubey son of Shri N. P. Dubey, aged about 33 years, resident of Plot. No. 1942, R.P. Nagar Phase-1, Koshabadi Korba, O.P. Rampur, Tahsil & District- Korba (C.G.).

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

1. Preetam Chand Gupta son of Dashrath Lal Gupta, aged about 30 years, resident of House No. 594, Ward No. 6, Imliduggu Bypass Road, Korba, Police Station, Tahsil & District- Korba (C.G.). (Owner & Driver)
2. National Insurance Company Limited, Through the Branch Manager, National Insurance Company Limited, 13 Meenu Complex, Kosabadi Main Road, Korba, Tahsil & District- Korba (C.G.). (Insurer)

---- Respondents

For Appellants	:	Ms. Uma Sahi, Advocate.
For Respondent No. 2	:	Shri Anil Gulati, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****25/06/2019**

01. The matter is listed for hearing on IA No. 2, application for urgent hearing. However, with the consent of learned counsel for both 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 08.05.2018 passed by Motor Accident Claims Tribunal, Korba Distt. Korba (CG) in Claim Case No.100/2016 awarding total compensation of Rs.1,47,000/- with interest @ 7% per annum from the date of application till realization,

fastening liability on non-applicant No.2/insurance company.

03. As per claim petition, on 23.11.2013 while Manish Dubey, aged about 33 years, earning Rs.18,000/- per month as Assistant Technician at Municipal Corporation Korba was going to his office by riding motorcycle bearing No. CG12 AB/6030, non-applicant No.1/driver/owner- Preetam Chand Gupta by driving vehicle (Auto) engine No.24ZWDC38625 & Chassis No. MD2A23AZXDWC35437 in a rash and negligent manner, dashed Manish Dubey, as a result of which he suffered injuries on both legs. The offending vehicle is owned by non-applicant No.1 and insured with non-applicant No.2.

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 many grounds in this appeal, however, he is not pressing those grounds and is confining argument only on one ground that the Tribunal has not awarded any amount towards future treatment and for physiotherapy. He also submits that at the time of recording of evidence and also passing of the impugned award by the Tribunal, claimant was under treatment, therefore, the amount of compensation toward future treatment is required to be awarded.

06. 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 matters has rightly awarded compensation which needs no interference by this Court.

07. Heard learned counsel for both the parties and perused the impugned award.

08. Looking to the entire evidence and contention made by both the parties, it is not disputed that all heads i.e. medical bills, conveyance, special diet, loss of earning for four months, for attendant amount awarded is just and proper as per para 12 to 14 of the judgment of the

learned Tribunal. No evidence adduced by the appellant regarding requirement of future treatment & physiotherapy in this case. The award passed by the Tribunal on 08.05.2018 and this appeal filed on 26.09.2018, in between any treatment was taken by the claimant, no any documentary evidence placed by the claimant before this Court, 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 and the IA No. 2, application for urgent hearing stands disposed of.

Sd/-

(Gautam Chourdiya)
Judge