

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1903 of 2018**

1. Yashwant Singh S/o Virendra Singh Gour Aged About 38 Years,
2. Kumari Aashi Gour D/o Yashwant Singh Gour Aged About 5 Years Minor Through Legal Guardian Father Yashwant Singh Gour R/o Near Sai Mandir Gondpara Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---- Appellant/Claimant**Versus**

1. Santuram S/o Kanhaiyalal Aged About 30 Years R/o House No. 01 Quarter 1034, 1033 Deendayal Colony Mangla Bilaspur Chhattisgarh (Driver Of The Offending Vehicle Bolero No. C.G.10 No. 2277).
2. Ramsvrup Chandrakar S/o Late Balaram Chandakar Aged About 61 Years R/o Kumharpara Jarhabhata Bilaspur Tahsil And District Bilaspur Chhattisgarh (Owner Of The Offending Vehicle Bolero No. C.G.10 No. 2277),
3. Shri Ram General Insurance Company Limited, 2nd Floor C.G. Plaza Agrasen Chowk Near Telephone Exchange Bilaspur Chhattisgarh (Insurance Of The Offending Vehicle Bolero No. C.G. 10 No. 2277)

---- Respondents

For Appellants	:	Shri A.L. Singroul, Advocate.
For Respondent No. 3	:	Shri S.S. Rajput, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****09/04/2019**

- 1) This appeal is preferred by the claimant under Section 173 of the Motor Vehicles Act, 1988 against the award dated 13/09/2018 passed by First Additional Motor Accident Claims Tribunal Bilaspur (C.G.) in Claim Case No. 628/2017 awarding total compensation of Rs. 23,295/- with interest @ 6% per annum

from the date of application till realization, fastening liability on the respondent/non-applicant No. 3 Shri Ram General Insurance Company Limited.

- 2) As per averments in the claim petition, claimant injured Ku. Aashi Gour on 10/03/2017 at around 07:00 PM, aged about 05 years was going Kirana Shop to purchase Fruity and when she reached near Sai Mandir, Gondpara Bilaspur, one non-applicant No. 1/ Santuram driving the offending vehicle Bolero bearing No. CG04 N 2277 rashly and negligently dashed Ku. Aashi Gaur. Consequently, Ku. Aashi Gaur suffered injury on her legs, hands and other parts of the body. The offending vehicle was owned by non-applicant No.2/Ramsvrup Chandrakar and insured with non-applicant No. 3/Shri Ram General Insurance Company Limited.
- 3) On claim petition being filed by the claimants' father of the Ku. Aashi Gour under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.
- 4) Learned counsel for the appellants/claimants submits as though he has raised various grounds in this memo of appeal, however, he is not pressing on those grounds and is assailing the awards on the following grounds only :-
 - i. that loss of earning of minor's father of injured claimant has wrongly been considered by the Tribunal as Rs. 5,000/- for one month only; whereas it should have been Rs. 25,000/- as he was not going in his job as Driver for five months.
 - ii. that the amount awarded under the medical expense, pain & suffering, special diet and other expenses also being on the lower side deserves to be enhanced suitably.
- 5) On the other hand, learned counsel for the respondent/insurance company opposed the contention made by the counsel for the appellant and 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.

- 6) No any counter appeal is filed by the respondents as submitted by both the parties.
- 7) Heard learned counsel for the parties and perused the material available on record & impugned award.
- 8) It is not disputed by the parties that the said offending vehicle Bolero is driven by non-applicant No.1, owned by non-applicant no. 2 and insured with non-applicant No. 3. Non-applicant No. 1/Santuram driver of the offending vehicle rashly and negligently dashed Ku. Aashi as a result of this accident she sustained injury. That looking to all medical expenses and concerned Rs. 3295/- is considered by learned Tribunal, looking to the duration of treatment Rs. 5,000/- is considered for loss of earning of minor's father Yashwant Singh, for pain and suffering Rs. 5,000/- and for conveyance attendance is considered Rs. 5000/- and for special diet also considered Rs. 5000/-. Considering the facts and circumstances of the case, the nature of injury and quality of evidence adduced by the claimants as reflected from the impugned award, the said assessment appears to be just and proper, warranting no interference by this Court.
- 9) Resultantly, the appeal being without any substance is liable to be dismissed at the admission stage itself and is, accordingly, dismissed.

**-Sd/-
(Gautam Chourdiya)
Judge**