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Date: 28/11/2025

(2018) 02 CHH CK 0280

Chhattisgarh High Court

Case No: Miscellaneous Appeal (C) No. 282 Of 2018

Pramit Kumar Jain APPELLANT

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Parmeshwari And Ors RESPONDENT

Date of Decision: Feb. 16, 2018

Acts Referred:

• Motor Vehicles Act, 1988 - Section 166, 173

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: P.R. Patankar

Final Decision: Dismissed

Judgement

- P. Sam Koshy, J
- 1. Heard on I.A.No.1, which is an application for condonation of delay.
- 2. Finding the reasons assigned in the said application to be satisfactory, I.A.No.1 is allowed and delay of 06 days in filing the appeal stands condoned.
- 3. Present is an appeal filed by the owner under Section 173 of the Motor Vehicles Act assailing the award dated 12/10/2017 passed by the learned

Additional Motor Accident Claims Tribunal, Dhamtari (C.G.) in Motor Accident Claim Case No. 119/2016.

4. Vide the impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.6,18,999/-

with interest @ 6% per annum from the date of application.

- 5. Since the offending vehicle was not insured, the liability of payment of compensation has been fastened upon the present appellant/owner.
- 6. The challenge is to the quantum of compensation awarded.

- 7. The counsel for the appellant/owner submits that, the income assessed by the Tribunal is unreasonably high and the same therefore deserves to be
- interfered. He further submits that, no sufficient evidence has been produced by the claimant No.1 to establish the salary part.
- 8. Perusal of record would show that, the date of accident in the instant case is 08/02/2016. It is anybody's guess that, at the relevant point of time,
- even an unskilled labour would had been earning much more than what has been assessed by the Tribunal.
- 9. Under the circumstances, if the Tribunal has assessed the monthly income of the deceased at Rs.4,000/-, the same cannot be found fault with.
- 10. This Court therefore does not find any strong case made out by the counsel for the appellant calling for an interference with the impugned award.
- 11. The appeal thus fails deserve to be and is accordingly rejected.