

Pramit Kumar Jain Vs Parmeshwari And Ors

Court: Chhattisgarh High Court

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.