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**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR (M.P.)**

Miscellaneous Appeal No. 41 /2024

Cause Title

**Applicant /
Claimant :-**

1. Braj Kishor
S/o Shri Dharam Singh
Aged About 29 Years,

R/o- Gram Mungli, Tehsil Asta,
Distt. Sehore (MP)

Presented on 2-1-24
By N. K. Gupta
Presentation Assistant

Versus

**Non applicants/
Non-Claimant**

1. Santosh Verma S/o Shri Harinarayan Verma
R/o- Gram Khadi Haat, P.S. Parwati Asta, Tehsil
Asta, Distt. Sehore MP, Pin Code - 466116.
2. Mohit Verma S/o Santosh Verma
R/o P.S. Parwati Asta, Tehsil Asta,
Distt. Sehore MP, Pin Code - 466116.
3. The Iffco Tokio Gen. Ins. Company Limited,
Branch Manager ,Add.- Bhagwan Complex,
1st Floor, Plot No. 214, Zone-1, M.P. Nagar,
Bhopal, Distt. Bhopal (MP)
Pin Code -462011.

**MISCELLANEOUS APPEAL UNDER SECTION 173(1) OF THE
MOTOR VEHICLE ACT, 1988**

Claim in appeal valued at Rs.	2,00,000.00
Court Fees Paid Rs.	5,000.00
Claim before the Tribunal Rs.	80,40,000.00
Amount awarded Rs.	2,31,377.00

Being aggrieved by the award as detailed in Paragraph (I) below, the appellant prefers this appeal on the following facts and grounds:

(I) Particulars of the award

- | | | |
|-----|--|---|
| (a) | Case Number | 26/22 |
| (b) | Date of the award | 14/08/23 |
| (c) | Award passed under S.
163-A/166 of the Motor vehicle Act,
1988 | 166 |
| (d) | The name of the Member | -/- |
| (e) | Designation and place of sitting of the
Tribunal | Member 2nd, MACT,
Asta, Distt. Sehore
MP. |

(II) Particulars of the Accident :

- | | | |
|---|-------------------------|----------------------------|
| 1 | Time and date | 07/09/21 At 8:15 pm |
| 2 | Place | Sujalpur Road, |
| | Near Village / Locality | P.S. Parwati. |
| | Tehsil and District | Asta, Distt. Sehore
MP. |

(III) Particulars of the offending vehicle :

- | | | |
|---|------------------|-----------------|
| 1 | Registration No. | MP-42-C-1307 |
| 2 | Kind of Vehicle | Bolero |
| 3 | Owned by | Respondent No.2 |
| 4 | Driven by | Respondent No.1 |
| 5 | Insured with | Respondent No.3 |

(IV) Name and description of the injured persons :

- | | | |
|---|---------------|-------------------|
| 1 | Name | Braj Kishor |
| 2 | Age | 29 Years |
| 3 | Father's name | Shri Dharam Singh |
| 4 | Occupation | Business |

5 Address

R/o- Gram Mungli,
Tehsil Asta, Distt.
Sehore (MP)

(V) In non-fatal accident cases :

- | | | |
|-----|---|--|
| (a) | Nature of injuries suffered with percentage of disability (As adjudged by the Tribunal) | Fracture in right leg.
Grievous injuries in nose, knock, head, leg .
Operation was done.
He was admitted at hospital for many days. Other Injuries in Body Grievous Hurt and Suffered disability. |
| (b) | Amount of expenses on treatment awarded by the Tribunal | 1,72,027/- |
| (c) | Amount of damages as loss of income, award by the Tribunal | 21,750/- |
| (d) | Amount of general damages awarded by the Tribunal | 25,000/- for pain & suffering .
9,000/- Food.
3,600/- for attendant, conveyance. |
| (e) | Total compensation awarded | Rs. 2,31,377/- |
| (f) | Payable by | All The Respondent's Jointly & Severally. |

(VI) Details of interest awarded by the Tribunal:

- | | | |
|-----|---|---------------|
| (1) | Date from which interest is awarded | 25/02/22 |
| (2) | Rate at which interest has been awarded | 6 % per annum |

(VII). Other relevant facts

1. That, the all respondent's filed their reply and denied the allegation in the claims petition and prayed for rejection of claim petition. The claims Tribunal has passed the award and the liability fixed on all the respondents Jointly & Severally.
2. That the appellant on 07/09/21 at 8:15, was going on the right side of the road, at that same time offending Bolero bearing Registration No. MP-42-C-1307 driven by non app no. 1, owned by non app no. 3 and insured with respondent no. 2, driver rashly & negligently driven the Bolero & hit the appellant. Resultantly the appellant fell down & sustained disability & grievous injuries. The Appellant was hospitalized. The accident was reported against the driver.
3. That on the time of accident, appellant Braj Kishor is aged About 29 Years & he was Private Worker.
4. That the applicant filed a claim petition before the Member 2nd, MACT, Asta, Distt. Sehore MP. The learned tribunal framed issues, the claimers have examined him and submitted the documents. After examining oral and documentary evidence vide order dated 14/08/23 the learned tribunal was pleased to award a compensation of Rs. 2,31,377/-.

(VIII) Grounds of appeal

1. That the Learned Claim Tribunal has granted very low amount in case of permanent disability & Grievous Injuries.
2. That the Learned Claim Tribunal ought to have been granted compensation as per claimed petition filed before the claims Tribunal.
3. That the Learned Claim Tribunal has failed in appreciating that the claimant / appellant is Private Worker & Due to Grievous Injuries, he is now unable to perform his work properly, so learned claims Tribunal has granted very Low compensation for disability.
4. That the learned claim tribunal has given very less amount to the person of age 29 Years who had suffered disability.
5. That, the learned claim tribunal has awarded very less under the head of medical.
6. That the learned claim Tribunal has awarded very less for the head of pain and suffering, special diet, conveyance.
7. That the learned claim Tribunal has nothing awarded for the head of disability.
8. That, the learned claim tribunal has awarded low compensation for the injury of the grievous nature.
9. That, the learned claim tribunal has nothing awarded under the head of future treatment.
10. That, the accident has been taken place with the instant applicant due to which got fractures. The applicant is unable to continue with his work.

11. That, applicant is very needy person and needs money for his long treatment and for the recovering from the financial crises. That with the same reassign the applicant is unable to survive his daily life.
12. That the appellant has filed the M.L.C. report & other medical Relevant document and injuries clearly shows as per the certificate and medical document. But the learned claim tribunal did not appreciate the medical document.
13. That, the learned claim tribunal has awarded amount of Rs. 2,31,377/- for all the heads. This is very low & insufficient in the eyes of law.


(IX) Relief Claimed in appeal :

- | | |
|--|--|
| (1) Enhancement / Reduction of amount of compensation by | Enhance the compensation as prayed for in the claim petition |
| (2) Exoneration / liability of insurer | - |
| (3) Award of interest at the rate of | 12% |
| (4) Any other relief | May be granted |

- | | |
|------------|-----------------------------------|
| (X) Caveat | No notice of caveat was received. |
|------------|-----------------------------------|

Jabalpur

Dated : 31/12/23


Nitin Gupta

Advocate for Appellant