

Mubarak Vs. Darshansingh

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Court : Madhya Pradesh

Decided On : Apr-27-2000

Reported in : 1(2001)ACC26

Judge : A.M. Sapre, J.

Appellant : Mubarak

Respondent : Darshansingh

Advocate for Def. : Mr. V. Bhakshi

Advocate for Pet/Ap. : Mr. H.G. Shukla

Judgement :

ORDER

A.M. Sapre, J.

1. Claimant is felt aggrieved by an award rendered by Additional M.A.C.T., Mandleshwar dated 21.2.1997 passed in Claim Case No. 127/90. By impugned award, the claimant is awarded a total sum of Rs. 6,000/- for the injuries that he suffered. Claimant is dissatisfied with what has been awarded to him by learned Tribunal. He wants enhancement in the award sum and for that purpose has filed present appeal.

2. Facts for disposal of this appeal are these on 1.3.1989 at about 4.00 p.m., claimant was coming from his village and was going on the road Khalghat Road. When claimant was passing from the road, one truck bearing No. MKN-1925 which was driven by respondent No. 1-Darshansingh dashed to claimant as a result of which claimant fell down and suffered injuries. It is this accident causing injuries on the body of the claimant gave rise to filing of claim petition by the claimant before the learned Tribunal. The claimant claimed compensation of Rs. 50,000/- for the injuries that he suffered. The matter was contested only by Insurance Company. So far as driver and owner of the offending vehicle were concerned, they remained ex-parte. By impugned award, the Tribunal held driver of the offending vehicle guilty of rash and negligent driving. While awarding the compensation for the injuries and the resultant loss, in the opinion of Tribunal, the claimant was only held entitled to claim a sum of Rs. 6,000/-. The Tribunal found that nature of injury suffered by the claimant was very simply in nature and did not result into any disability much less permanent disability. It is this award, which is challenged in this appeal by the claimant.

3. Heard Mr. H.G. Shukla, learned Counsel for plaintiff (claimant) and Mr. V. Bhakshi learned Counsel for respondent No. 3-Insurance Company. Having heard learned Counsel for the parties and having perused the entire record of the case including the impugned award. I am of the view that this appeal has no substance and the same deserves to be dismissed.

4. Having heard leaned counsel for the parties and having persued the entire record of the case including the impugned award, I am of the view that this appeal has no substance and the same deserves to be dismissed

5. In my opinion, the Tribunal was perfectly justified in coming to conclusion that claimant failed to prove the nature of injuries and the resultant loss suffered due to those injuries. Claimant did not lead any medical evidence nor examined any doctor to prove the nature of injuries, loss suffered, and disability factor. These are all material piece of evidence which a claimant is under legal obligation to lead before he can claim any compensation. In the absence of any medical evidence, it is difficult for the Court of make any assessment regarding resultant loss that

might have been suffered by the claimant. Accordingly and in view of this discussion, in my opinion, no interference is called for in the well-reasoned finding and the discussion of the Tribunal.

6. The appeal being devoid of substance is accordingly dismissed. No cost.

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