

**(2011) 12 MP CK 0019**  
**In the Madhya Pradesh High Court**  
**Case No : M.A. No. 470 of 2006**

Anil Singh

APPELLANT

Vs

United India Insurance Co. Ltd. and Another

RESPONDENT

---

**Date of Decision :** 13-12-2011

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 163A

**Citation :** (2013) ACJ 875

**Hon'ble Judges :** N.K. Mody, J

**Bench :** Single Bench

**Advocate :** Manish Jain, for the Appellant; Pradeep Gupta and Mr. Bhaskar Agrawal, for the Respondent

---

## Judgement

N.K. Mody, J.—Being aggrieved by the award dated 29.8.2005 passed by II M.A.C.T., Indore in Claim Case No. 154 of 2003 whereby claim petition filed by the appellant for compensation on account of injuries sustained in a motor accident was dismissed, present appeal has been filed. Short facts of the case are that the appellants filed a claim petition alleging that on 10.2.2003 appellant was driving a Maruti car bearing registration No. MP 09-HB 5673. It was alleged that a truck came ahead and because of sudden application of brakes by the driver of the truck, Maruti car which was being driven by the appellant dashed the truck with the result appellant sustained fracture of metacarpal bone of right hand and also sustained injuries in jaw. It was alleged that Maruti car was owned by respondent No. 2 and insured with the respondent No. 1. It was prayed that the claim petition be allowed and compensation be awarded. The claim petition was contested by the respondent No. 1 on various grounds including on the ground that the accident occurred because of negligence on the part of appellant himself. It was prayed that the claim petition be dismissed. After framing of issues and recording of evidence learned Tribunal dismissed the claim petition, against which present appeal has been filed.

2. Learned counsel for the appellant argued at length and submits that since the

driver of the offending truck ran away and the criminal case was registered against unknown driver of an unknown truck, therefore, appellant was left with no option except to implead the owner and insurer of the vehicle which was being driven by the appellant at the relevant time. It is submitted that since the claim petition was filed u/s 163-A of the Motor Vehicles Act, therefore, there was no justification on the part of learned Tribunal in dismissing the claim petition filed by the appellant. It is submitted that in the facts and circumstances of the case appeal filed by the appellant be allowed and the impugned award be set aside and adequate compensation be awarded.

3. Learned counsel for respondent No. 1 supports the impugned award and submits that the appeal filed by the appellant be dismissed.

4. After hearing the counsel for the parties at length and keeping in view the fact that the accident occurred and the claim petition was filed u/s 163-A of Motor Vehicles Act, this court is of the view that there was no justification on the part of learned Tribunal in dismissing the claim petition. So far as amount of compensation is concerned, it appears that the injuries sustained by the appellant were simple in nature and no heavy amount has been spent by the appellant in his treatment. In view of this, appellant shall be entitled for Rs. 20,000 as compensation which shall carry interest at the rate of 8 per cent per annum from the date of application. With the aforesaid observations, appeal stands disposed of.

No order as to costs.