
(2016) 11 RAJ CK 0019
In the Rajasthan High Court
Case No : Civil Misc. Appeal No. 3080 of 2006

Bhagirath

APPELLANT

Vs

Manohar Lal

RESPONDENT

Date of Decision : 16-11-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, Section 168, Section 173

Citation : (2017) 1 WLN 57

Hon'ble Judges : Mr. Mahesh Chandra Sharma, J.

Bench : Single Bench

Advocate : Mr. Bharat Saini, Advocate, for the Petitioners; Ms. Chitra Goyal, Advocate, for the Respondents

Final Decision : Dismissed

Judgement

Mr. Mahesh Chandra Sharma, J. - This appeal has been filed against the impugned judgment & award under appeal whereby the learned Tribunal granted only claim of Rs.2500/- to the claimants against the death of Bhagirath.

2. Brief facts of the case are that a claim petition was filed by the claimant for the injuries sustained by him in the accident. Reply to the claim petition was filed. On the basis of pleadings of the parties, the learned Tribunal framed as many as five issues and after that, evidence was produced. The learned Tribunal thereafter passed by impugned award dated 27.3.2006 granting compensation of Rs.2500/- to the claimant. Hence this appeal has been preferred.

3. Learned counsel for the appellant has contended that the learned Tribunal has failed to appreciate each and every aspect of the matter as also the evidence available on record. The award passed by the learned Tribunal is illegal, without jurisdiction and contrary to the facts of the case. Hence impugned award deserves to be modified/enhanced.

4. On the other hand, learned counsel for the respondents has opposed the submissions advanced on behalf of appellant and requested for setting aside of

award.

5. I have heard learned counsel for the parties and perused the impugned judgment and award dated 27.3.2006.

6. Looking to the facts and circumstances of the case and the findings arrived at by learned Tribunal, the learned Tribunal is found to have dealt with each and every aspect of the matter, and has rightly passed the impugned judgment and award. I am in unison with the findings arrived at by the learned Tribunal. Hence, I do not think it just and proper to interfere with the impugned award dated 27.3.2006 passed by the Tribunal, and thus the appeal having no force, is hereby dismissed after confirming the judgment and award dated 27.3.2006 passed by the learned Tribunal.