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**(2009) 04 CHH CK 0016**  
**In the Chhattisgarh High Court**  
**Case No : Misc. Appeal No. 1173 of 2005**

Hemlal Satnami

APPELLANT

Vs

Ravikant Sahu and Others

RESPONDENT

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**Date of Decision :** 01-04-2009

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 166

**Citation :** (2009) 2 CGLJ 414

**Hon'ble Judges :** Rajeev Gupta, C.J.; Sunil Kumar Sinha, J

**Bench :** Full Bench

**Advocate :** Somshukla Sarkar, for the Appellant;

**Final Decision :** Dismissed

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## Judgement

Rajeev Gupta, C.J.—Smt. Somsukla Sarkar, learned Counsel for the Appellant is heard on admission.

2. Appellant- Hemlal Satnami is seeking enhancement of the compensation awarded by the 13th Additional Motor Accident Claims Tribunal, (F.T.C.) Raipur (for short "the Tribunal") vide award dated 11/05/2005, passed in Claim Case No. 24/2004.

3. As against the compensation of Rs. 8,50,000/- claimed by the Appellant/claimant by filing a claim petition u/s 166 of the Motor Vehicles Act for the injuries sustained by him in the motor accident on 06.01.2004, the Tribunal awarded a total sum of Rs. 3,000/- as compensation along with interest @ 7% per annum from the date of filing of the claim petition till the date of actual payment.

4. Smt. Somshukla Sarkar, learned Counsel for the Appellant vehemently argued that the Tribunal has erred in awarding meager amount of Rs. 3,000/- as compensation to the Appellant/claimant, though the Appellant/claimant sustained multiple serious injuries in the accident.

5. Though, the claimant pleaded that he sustained multiple fractures in the motor accident on 06.01.2004, no doctor was examined before the Tribunal to establish the nature of the injuries said to have been sustained by the Appellant/claimant in the motor accident and the fact that those injuries resulted in any permanent disability. Mere filing of the medical certificate before the Tribunal cannot establish the fact that the Appellant sustained fractures in the accident in view of the dicta of the Apex Court in the cases of A.P. SRTC v. P. Thirupal Reddy (2005) 12 SCC 189 and Rajesh Kumar @ Raju Vs. Yudhvir Singh and Another, , wherein it was held that in the absence of examination of the Doctor issuing the medical certificates, the medical certificates are not admissible in evidence. We, therefore, do not find any fault in the approach of the Tribunal in awarding compensation treating the injuries sustained by the Appellant/claimant in the motor accident as simple in nature.

6. For the foregoing reasons, we do not find any scope for enhancement of the compensation awarded by the Tribunal.

7. The appeal filed by the Appellant/claimant for enhancement of the compensation, therefore, is liable to be dismissed and is hereby dismissed summarily.