
(2000) 08 MP CK 0116
In the Madhya Pradesh High Court

Kanhaiyalal

APPELLANT

Vs

Sumer Singh and Others

RESPONDENT

Date of Decision : 29-08-2000

Acts Referred:

Citation : (2001) 1 ACC 382

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Judgement

A.M. Sapre, J.—Claimant Kanhaiyalal is aggrieved by an award dated 4.11.1995, passed in his Claim Case No. 15/95, by learned IVth Addl. M.A.C.T. Dhar. According to claimant he was awarded a less amount of Rs. 5,000/- only. According to appellant he is entitled to claim more and hence he is in appeal.

2. The only question, therefore, involved in this appeal is whether appellant (claimant) was able to make out any case for enhancement? Since the question regarding the manner in which the accident occurred liability of Insurance Company as also of the owner is not subject-matter of this appeal and, therefore, it is not necessary for me to go into this aspect which has become final. In other words in the absence of any cross-objection/appeal filed by any of the respondents, who have suffered an award the finding regarding accident and liability issues have become final.

3. The case of present appellant (claimant) was dealt with by the learned Member of the Tribunal in paragraphs 15 and 16 of the impugned award. While granting a total sum of Rs. 5,000/-, the Tribunal came to a conclusion that since the claimant did not produce any medical evidence, it cannot be concluded that he can be awarded any compensation which he is demanding. In the opinion of the learned Tribunal, a sum of Rs. 5,000/- was not only reasonable but adequate, it was keeping in view the provisions of Motor Vehicles Act and the Schedule appended thereto. In my opinion even before this Court, the appellant could not make out any case for enhancement except to file an appeal. None of the grounds urged and taken in support of memo of appeal makes out a case for

enhancement. Admittedly, appellant has not tendered any medical evidence to show nature of injury, extent of damage caused as a result of injury, extent of disability suffered by him in any part of his body which may entitle him to claim any compensation. It is not the accident that gives him a right to claim compensation. What is decisive is that as a result of accident the appellant must suffer some sort of an injury which may have partial disablement or permanent disablement as envisaged under the Motor Vehicles Act. It is only then, the appellant can claim any reasonable compensation keeping in view the parameters provided in Motor Vehicles Act.

4. As observed supra, the appellant did not tender any evidence even to show that how much expenditure he incurred in receiving the so-called medical treatment for the injuries that he claimed to have suffered. No doctor was examined nor any medical report of any doctor was filed. I, therefore, fail to understand as to what was the foundation that was laid much less for enhancement in amount that was awarded to him.

5. Appeal being devoid of substance is hereby dismissed thereby upholding the impugned award. No costs.