
(2000) 05 MP CK 0070
In the Madhya Pradesh High Court

Surendra Singh

APPELLANT

Vs

M.P.S.R.T.C. and Another

RESPONDENT

Date of Decision : 04-05-2000

Acts Referred:

Citation : (2001) 1 ACC 41

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

Bench : Single Bench

Judgement

A.M. Sapre, J.—Claimant, a victim of accident and suffered injuries is dissatisfied with what is awarded to him by the Claims Tribunal. The Claims Tribunal has awarded a sum of Rs. 2,000/-. The impugned award is dated 24.1.1997 passed by M.A.C.T., Mandleshwar in Claim Case 41/91.

2. In short the case of claimant is that he suffered injuries on his body while travelling on motor-cycle with one of his friend Prithviraj Singh who was driving the said motor-cycle. According to claimant, the bus belonging to respondent dashed with their motor-cycle resulting in accident and inflicting injuries on the body of claimant as also his friend. The incident occurred on 19.10.1990.

3. The claimant sought to prove the injuries suffered by him by leading evidence whatever he had in his possession. In the opinion of learned Member of Tribunal, the claimant failed to prove the injuries. Its resultant loss suffered by him so as to prove the quantum of damages to which he is legally entitled. The Tribunal in para 15 of impugned award while discussing the case of claimant held that the report Ex. P-7 which is taken immediately after the occurrence did not show any injuries except few and that too were of ordinary nature. It is also held that by no degree of evidence, the claimant could prove the injuries and this resultant loss has resulted in any disability to the claimant. It is this award which is impugned in this appeal by the claimant.

4. Heard Mr. Khan, learned Counsel for the appellant (claimant) and Mr. S.S. Kemkar, learned Counsel for respondents.

5. Having heard the learned Counsel for the parties, I find that appellant has not been able to prove that he sustained any injury that may entitle him to claim any compensation. Ex. P7 is a medical examination report of the claimant. This medical examination was done on 19.10.1990, immediately after the accident. In this it is clearly mentioned by the doctor that all injuries are simple in nature. This clearly Shows that claimant did not suffer any injury of the nature that may result in any disability in claimant for which he can be compensated in terms of money.

6. The Tribunal, therefore, was justified in awarding a nominal compensation for mental and pain suffering. In the absence of any medical evidence, doctor's evidence, resultant disability factor, there is no case for awarding any compensation to the claimant. Mere occurrence of accident does not give the appellant (claimant) a right to claim compensation unless he proves the injuries sustained, and its consequential effect resulting in partial or full disability in any part of the body.

7. In view of aforesaid discussion, I do not find any merit in the appeal. It is accordingly dismissed.