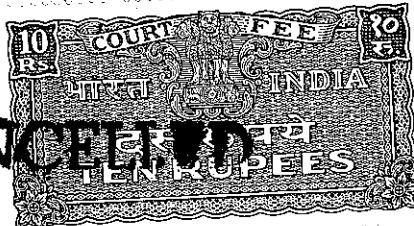


CANCELLED



(F-15)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G)

MISCELLANEOUS APPEAL NO. 532/2003 Division Bench

APPELLANT
CLAIMANT

- 1) Chhatrapal Verma, Aged about 22 yrs,
S/o. Ramratan Verma,
R/o. Gram Parastati, Post-Neora,
P.S. Suhela, Dist:Raipur(CG)

VERSUS

RESPONDENTS /
NON-APPLICANT

- 1) Kamal Narayan, S/o. Dhanau Verma
R/o. Vill.Nilaja, P.O-Saragaon,
P.S.-Kharora Tahsil & Dist-Raipur (C.G)
- 2) Ramkrishna Nayak S/o Lakhantal Nayak
R/o,vill. & Post- Saragaon,
P.S.-Kharora Tahsil & Dist-Raipur (C.G)
- 3) The New India Insurance Co. Ltd.
Through the Divisional Manager,
Divisional Office, Kutchhery Chowk, Jail
Road, Tahsil & Dist-Raipur (C.G)

P. R. No.
Presented by Shri S.C. Verma
dated 20.06.2003

Miscellaneous Appeal under/section 173 Motor Vehicle Act 1988

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A No. 532/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>Division Bench :</u></p> <p><u>HON'BLE SHRI FAKHRUDDIN, Ag. C.J.</u> <u>& HON'BLE SHRI SUNIL KUMAR SINHA, J.</u></p> <p><u>31-01-2005.</u></p> <p>Shri S.C. Verma, counsel for the appellant.</p> <p>Shri N.K. Agrawal, Sr. Advocate with Shri Ravindra Agrawal, counsel for respondent No.3/ Insurance Company.</p> <p>None for respondents No. 1 and 2.</p> <p>Heard.</p> <p>This appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred against the impugned award dated 07-02-2003 by which the learned Claims Tribunal has dismissed the claim petition filed by the appellant on account of the accident, which took place on 22-08-2002 at about 2.15 p.m.</p> <p>Learned counsel for the appellant submits that the Tribunal framed five issues in this case and vide Issue No.1, the Tribunal has held that the injuries sustained by the appellant were the result of the accident by use of the motor vehicle in question. The further submission of the learned counsel for the appellant is that even after holding the aforesaid fact and deciding the issues in favour of the appellant, the Tribunal did not award any amount of compensation to the appellant holding that the appellant is not entitled to receive any compensation under Section 163-A of the Motor Vehicle Act. In para 9 of the impugned award the Tribunal also held that the radius, humerus and femur bones of the appellant were found fractured.</p> <p>During the pendency of this appeal, a compromise has been entered into between the appellant/Claimant and the Insurance Company. According to the said compromise, the Insurance Company has agreed to pay. Rs.35,000/- as a lump sum compensation to the appellant on account of the injuries sustained by him. A document to this effect has also been filed. It is also agreed by both the parties that the said amount shall be paid within a period of two months from</p>	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A No. 532/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
<p>subbu</p>	<p>today and in view of the aforesaid compromise, the appellant does not want to prosecute the appeal.</p> <p>We have gone through the records. The amount of compensation worked out on compromise appears to be just and proper.</p> <p>In this view of the matter, it is directed that the appellant/claimant shall get total sum of Rs.35,000/- as compensation. It is made clear that if the amount agreed is not paid to the appellant as per the compromise arrived at by the parties within a period of two months from today, the appellant shall be entitled to charge interest @ 9% per annum from the said date till its realization.</p> <p>The appeal stands disposed of in terms of compromise arrived at by the parties.</p> <p>We, however, very much appreciate the efforts made by learned counsel for the parties.</p> <p>Counsel's fee as per rules.</p> <p>Certified copy as per rules.</p> <p>Sd/- Fakhruddin Acting Chief Justice</p>	<p>Sd/- Sunil Kumar Sinha Judge</p>

subbu

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9/2/05