

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL No. 87 of 1981****For Approval and Signature:****HONOURABLE MR.JUSTICE SHARAD D.DAVE**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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MAGANJI S THAKOR - Appellant(s)
Versus
JIVRAM VASHRAM & 2 - Defendant(s)

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Appearance :

MR AJ PATEL for Appellant(s) : 1,
MR PV NANAVATI for Defendant(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE**Date : 05/05/2006****CAV JUDGMENT**

The present appeal is filed by Maganji Somaji Thakor under Section 110-D of the Motor Vehicles Act challenging the judgment and award dated 12.11.1979 passed by the learned Motor Accident Claims Tribunal No.3

at Ahmedabad in M.A.C.T.Application No.193 of 1978, by which the learned Tribunal awarded Rs.7,205/- with interest at the rate of 6% from the date of the application and proportionate costs.

2. It appears from the record that on 9.2.1972 at about 4.20 p.m., when the appellant was going towards Manchha Masjid on left hand side of the road from Gujarat Housing Board, an auto rickshaw bearing No.GTE 2697 came on the wrong side near Ramesh Bakery and the said rickshaw gave a dash to the appellant's cycle from the front side and the appellant was thrown off and there was injury on right leg.

3. The learned Tribunal has, after considering the oral as well as documentary evidence, held the rickshaw driver negligent and awarded in all Rs.7205/- under different heads.

4. The main contention of the learned advocate appearing for the appellant is that no affidavits in reply have been filed by the other side contradicting the version or the evidence produced by the appellant and, therefore, the Tribunal ought to have granted the claim of the appellant of Rs.25,000/-.

5. As stated above, the Tribunal has held that the rickshaw driver was negligent in driving his rickshaw after specifically dealing with all the evidences produced on the record and held all the opponents liable to pay the amount to the appellant - original claimant. The learned Tribunal also discussed each and every head

under which the amount of compensation is to be awarded in detail and accordingly awarded in all Rs.7,205/- under different heads which, in my opinion, is adequate looking to the accident and the injuries sustained by the appellant. In this view of the matter, I am of the considered opinion that the impugned judgment and award is not required to be interfered with by this Court.

6. In the result, this appeal fails and the same is dismissed.

(SHARAD D DAVE, J)

srilatha