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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.A. (C.) No. 119/2009**

**DB: HON'BLE SHRI SUNIL KUMAR SINHA &  
HON'BLE SHRI T.P.SHARMA, J.J.**

**APPELLANT**  
(Claimant)

Smt. Sawita Minj w/o Shri Jivan Kishor Minj, aged 35 years, profession service as Ward Aya, R/o village Bhathupara, Bilaspur chouk Manipur, Thana and Tahsil Ambikapur, District Sarguja(CG)

*Versus*

**RESPONDENTS**  
(Non-claimants)

1. The Oriental Insurance Company Limited Ambikapur, Branch office Ambedakar Chouk, Manendragarh road, Ambikapur District Sarguja (CG)
2. Sunil Kumar Gupta s/o Shri Shivpyare Gupta, aged 40 years, cast Teli, Profession owner of bus, R/o village and Mohalla Ara. Balrampur, Thana Dhorpur, District Sarguja(CG)
3. Mohammad Haqik s/o Shekh Mohammad, aged 35 years, Profession driver of bus, R/o village Udari P.S. & Tahsil Lundra, District Sarguja(CG)

**MISC. APPEAL U/S 173 (1) OF THE MOTOR VEHICLES  
ACT, 1988**

**Present :**

Shri Vijay Deshmukh, counsel for the appellant.

**ORAL ORDER**  
**(31.01.2009)**

The following order of the Court is passed by

**Sunil Kumar Sinha, J.**

Heard on admission.



The appellant/claimant has filed this appeal for enhancement of the amount of compensation, awarded in Claim Case No. 45/2006, by the Motor Accident Claims Tribunal, Sarguja (Ambikapur) vide award dated 23.10.2008.

The appellant/claimant- Smt. Sawita Minj received personal injuries in a motor accident, which took place on 10.12.2005. She filed a claim petition under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.4,95,000/- for the personal injuries sustained by her in the motor accident.

Para 30 of the impugned award would show that in the said accident her cleical bone was fractured and there were also fractures of ribs. Though many documents pertaining to her treatment were filed, but no certificate, showing permanent disablement was filed by her. The claimant gave oral evidence that she spent Rs.2,00,000/- for her treatment and she would require a sum of Rs.30,000/- for further treatment. However, she filed documents Ex.15 to Ex.36 pertaining to medical expenses and Exs.37 to Ex.44 pertaining to travelling expenses. The tribunal allowed the entire amount of the documents filed by her and awarded a sum of Rs.38,829.24 on this account. The tribunal further awarded a sum of Rs.5,000/- towards pain and suffering, Rs.1,300/- towards expenses of an assistant and Rs.2,100/- towards loss of income, which was calculated on the basis of monthly pay of the claimant. The tribunal also awarded Rs.650/- towards special diet taken by the claimant. Thus, the tribunal awarded a total sum Rs.47,900/- as compensation to the claimant on account of the injuries sustained by her in the motor accident. The tribunal further awarded interest @ 9 % p.a. on the said amount from the date of filing of the claim petition till its realization.

Learned counsel for the appellant argues that the tribunal has not properly assessed her compensation on account of medical expenses. He also argues that the injuries sustained by the claimant have resulted into permanent disability.



We have considered the above arguments.

Though the claimant gave oral evidence that she made expenditure of Rs.2,00,000/- on account of medical expenses, but she could not produce any document to explain such expenditure. The tribunal allowed the entire amount of the documents, which the claimant had filed, showing her medical expenses.

So far as the argument in relation to permanent disability is concerned, as stated above, no document to this effect was filed nor any Doctor was examined by the claimant to support this contention.

In view of all this, we do not find any scope for enhancement of the amount of compensation awarded by the Claims tribunal.

The appeal has no merits. The same deserves to be and is accordingly dismissed at motion stage itself.

Sd/-  
Sunil Kumar Sinha  
Judge

Sd/-  
T.P. Sharma  
Judge