



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 1179 of 2014**

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KADIYABHAI BHURKHABHAI DAMOR

Versus

MANSUKHLAL BHIMJIBHAI DANGAR & ANR.

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Appearance:

MR A A ZABUAWALA(6823) for the Appellant(s) No. 1

MR TANMAY B KARIA(6833) for the Defendant(s) No. 2

RULE SERVED for the Defendant(s) No. 1

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CORAM:

HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 07/09/2026

JUDGMENT

1. In this appeal, filed under Section 173 of the Motor Vehicles Act, the appellant has challenged the judgment and award, Dated: 27.04.2012, passed by the learned Motor Accident Claims Tribunal, Dahod (in brief, 'the Tribunal', in MACP No. 412 of 2005, whereby, the Tribunal granted compensation of Rs.25,000/- along with 8% interest per annum from the date of filing of the claim petition, till realization.

2. It is the case of the appellant-claimant that he was traveling in a state road transport bus, bearing registration No. GJ-18-V-7427, which met with an accident with one Indica car and on account of that the appellant-claimant, who was sitting in the bus, received severe injuries, including fracture and he had to be admitted in the hospital.

2.1 In the case on hand, the appellant-claimant did not lead any evidence to throw light on the disability or functional disability sustained by him. When the appellant-claimant adduced medical evidence for disability or functional



disability, a joint pursis was put to accept 5% functional disability. The Tribunal, on the basis of such pursis, granted compensation equivalent to the compensation granted for 'No Fault Liability', as provided under Section 140 of the MV Act.

3. Heard, learned advocate, Mr. Zabuawala, for the appellant and learned Advocate, Mr. Karia, for opponent No.2.

4. The solitary evidence on record, to decide the just, fair and adequate compensation, is medical evidence. Page-11 of the appeal memo records facial injury as well as fracture traverse processes L3-4 vertebrae and except that, the appellant-claimant did not lead any evidence.

5. In the aforesaid circumstances, without examining any other merits of the case, in absence of any concrete or compulsive evidence, applying the principle of just, fair and adequate compensation, this Court grant noble compensation of Rs.50,000/- to the claimant, maintaining the rate of interest of 8% per annum from the date of filing of the claim petition, till realization.

5.1 This appeal is ***disposed of***, in the above terms. R&P, if any, be sent back, forthwith. Direct service is permitted.

UMESH/-

(J. C. DOSHI,J)