



2025:CGHC:38543



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 465 of 2018

1 - United India Insurance Company Limited Branch Office, Near Ram Mandir, Bramha Road, Ambikapur, District Surguja, Chhattisgarh (Insurer Of Vehicle), District : Surguja (Ambikapur), Chhattisgarh.

--- Appellant(s)

versus

1 - Raju Singh S/o Arjun Singh Aged About 23 Years R/o Village Savni Mahuwa Pandri, Tahsil Wadraf Nagar, District Balrampur, Chhattisgarh, Presently Residing At C/o Najiran S/o Gopal, Caste Gond, R/o Village Bonga, Post Govindpur, Pratappur, District Surajpur, Chhattisgarh (Claimant), District : Surajpur, Chhattisgarh.

2 - Anjani Kumar @ Putun Yadav S/o Gopal Yadav R/o Village Pendari, Yadavpara, Post Kotrahi Pandri, Tahsil Wadraf Nagar, District Balrampur, Chhattisgarh (Non-Applicant No.2), District : Balrampur, Chhattisgarh.

--- Respondent(s)

For Appellant(s)	:	Mr. Pankaj Agrawal, Advocate.
For Respondent(s) No. 1	:	Mr. K.K. Prajapati, Advocate on behalf of Mr. D.N. Prajapati, Advocate.
For Respondent No. 2	:	Mr. Navneet Yadav, Advocate.

**MAC No. 30 of 2018**

1 - Raju Singh S/o Arjun Singh, Aged About 23 Years Permanent R/o Village Savni Mahua Pandri, Tahsil Wadrafnagar, District Balrampur, Chhattisgarh, At Present Address C/o Najiran S/o Gopal, Caste Gond, R/o Village Bonga, Post Govindpur, Pratappur, District Surajpur, Chhattisgarh Claimant, Chhattisgarh.

---Appellant(s)

Versus

1 - United India Insurance Company Limited Through The Branch Manager, Branch Office, Near Ram Mandir, Bramha Road, Ambikapur, District Surguja, Chhattisgarh Insurer, Chhattisgarh.

2 - Anjani Kumar @ Putun Yadav S/o Gopal, R/o Village Pandari, Yadavpara, Post Kotrahi Pandri, Tahsil Wadrafnagar, District Balrampur, Chhattisgarh Vehicle Owner, District : Balrampur, Chhattisgarh

--- Respondent(s)

For Appellant(s)	:	Mr. K.K. Prajapati, Advocate on behalf of Mr. D.N. Prajapati, Advocate.
For Respondent(s) No. 1	:	Mr. Pankaj Agrawal, Advocate.
For Respondent No. 2	:	Mr. Navneet Yadav, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

04/08/2025

- Both the appeals are arising out of one accident, in which one award dated 30.10.2017 has been passed. **MAC No. 465 of**



2018 is **insurer's** appeal and **MAC No. 30 of 2018** is **claimants'** appeal against the award dated 30.10.2017 passed by the learned Additional Motor Accident Claims Tribunal, Pratappur, District- Surguja (C.G.) in Motor Accident Claim Case No. 30/2017.

MAC No. 465/2018

2. Brief facts of the case, is that, the claimant/respondent No. 1 filed a claim under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs. 38,49,299/- for injuries sustained in an accident. On 24.09.2016, the claimant, while traveling in an auto owned by respondent No. 2 and bearing registration No. C.G-15-CZ-2003 to Wadrafnagar for obtaining his Aadhaar card at around 2:00 PM, was involved in an accident when the driver, respondent No. 2, drove the vehicle rashly and negligently, causing it to overturn on the main road of village Pokhra. As a result, the claimant suffered injuries to his left shoulder, head, knee, and spinal cord, including grievous internal injury to the T-11 and T-12 vertebrae, affecting several small veins. The claimant was initially treated at the Primary Health Centre, Wadrafnagar, and continued treatment at the District Hospital until 26.05.2016, followed by treatment at MIF Center, Bilaspur, until 28.05.2016, but without improvement. Since 09.06.2016, he has been undergoing Ayurvedic treatment. The claimant's limbs



have ceased to function, and a medical board in Balrampur issued a disability certificate confirming 100% disablement. The matter was reported to Police Station Basantpur by Indradev Gond against the auto driver Anjani @ Putus Yadav under Sections 279 and 337 of the IPC. At the time of the accident, the claimant was aged about 23 years old and working as a part-time clerk at Gayatri Devi Middle School, Duddhi, earning Rs. 7,500/- per month. Due to the accident, he became 100% disabled. The claimant applied a multiplier of 18, assessed total dependency at Rs. 16,20,000/-, added Rs. 8,10,000/- for future prospects, totaling Rs. 24,30,000/-, and further claimed Rs. 1,24,299/- for medical expenses, Rs. 10,00,000/- for future treatment, Rs. 2,50,000/- for pain and suffering, Rs. 20,000/- for special diet, and Rs. 25,000/- for transportation, aggregating Rs. 38,49,299/-. Respondent No. 2 opposed the claim, contending that the claimant was unemployed, had submitted false pleadings, and provided no evidence of income. The vehicle was insured with the appellant from 23.02.2016 to 22.02.2017, was a passenger vehicle, and the driver held a valid driving license at the time of the accident. Therefore, there was no violation of the policy, and any compensation, if payable, should be borne by the insurer. The appellant contended that the claimant was unemployed, suffered pre-existing disease causing limb disability, was not



100% disabled, was otherwise healthy, submitted a fake medical certificate, and that no accident occurred involving the insured vehicle; the driver lacked a valid license and violated policy conditions. Therefore, the appellant claimed exemption from liability. The Tribunal framed four issues, decided Issue No. 2 against the appellant, and held the appellant liable for the accident. Hence, this appeal.

3. Learned counsel for the appellant/insurance company submits that the impugned award passed by the tribunal is wholly erroneous and unsustainable in law. He further submits that the Tribunal committed a manifest error in fastened liability upon the appellant, particularly when the offending vehicle was plying without a valid permit. He further submits that the tribunal allegedly failed to consider that the unladen weight of the vehicle was 8,500 kg, and the driver possessed only a license to drive light motor vehicles and motorcycles with gear, thereby lacking the requisite effective driving license to operate a passenger-carrying vehicle. He further submits that the claimant has failed to prove that he sustained 100% disability due to the accident, as no treating doctor was examined, and the injury report from Wadrafnagar Hospital did not indicate grievous injuries. Moreover, the claimant purportedly failed to establish the alleged wedge compression fracture of T11 and T12, as no X-ray or



medical evidence in support was adduced. He further submits that the tribunal has erred in granting compensation based on bills and cash memos submitted before the court without proper proof or corroborative evidence. He further submits that the compensation awarded is excessive and liable to be suitably reduced, and in the facts and circumstances of the case, the appellant deserves to be exonerated from liability.

4. On the other hand, learned counsel for respondent No. 1 submits that the claims Tribunal has awarded a sum of Rs. 6,10,299/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side and needs to be enhanced. Hence, this appeal may be allowed by enhancing the compensation amount suitably.
5. On the other hand, learned counsel for respondent No. 2 opposes the same.
6. I have heard learned counsel for the parties and perused the material available on record.
7. On a careful scrutiny, it is observed that while the appellant has raised several technical objections, the Tribunal has recorded findings after evaluating the claimant's testimony, treatment records, and disability certificate issued by the competent medical board. The fact that the treating doctor was not



examined in court does not automatically discredit the substantial medical evidence on record. The disability certificate, coupled with consistent medical treatment history, is sufficient to establish the claimant's grievous injuries and resulting disablement. Furthermore, any technical objections regarding permits or licensing of the vehicle do not absolve the insurer from liability where the accident and resultant injuries are clearly established.

8. In view of the foregoing, this Court finds no valid reason to interfere with the well-considered award of the Tribunal. The appeal filed by the appellant/insurance company is, therefore, **dismissed** in limine, and the impugned award stands confirmed.

MAC No. 30/2018

9. Brief facts of the case, is that, the appellant filed a claim petition under Section 166 of the Motor Vehicles Act, seeking compensation to the tune of Rs. 38,49,229/- under various heads against the respondents on account of injuries sustained in a road accident that occurred on 24.05.2016. In the claim petition that on the said date, at about 2:00 PM, while the appellant was returning from Wadrafnagar to his village in the offending auto bearing registration number C.G.-15-CG-2003, driven by respondent No. 2, an accident occurred near Village Pokhra Main Road due to the rash and negligent driving of the said vehicle. As a result of the accident, the appellant sustained severe injuries to



his shoulder, head, elbow, and wrist including a grievous fracture of the wrist bone. The appellant initially received treatment at Wadrafnagar Hospital and subsequently at M.I.R. Centre, Bilaspur, and continues to undergo treatment through Ayurvedic methods. It was further submitted that the appellant suffered permanent disability due to the accident, as certified by the competent Medical Board, which issued a disability certificate confirming 100% disability. Upon service of notice, the respondents filed their reply, denying the allegations made in the claim petition. Thereafter, after hearing both parties, the learned Claims Tribunal, by the impugned award dated 30.10.2017, assessed total compensation at Rs. 6,10,299/-, including medical expenses of Rs. 1,24,229/-, which the appellant contends is grossly inadequate. Hence, this appeal.

10. The tribunal assessed the income of the injured appellant/claimant at Rs. 4,500/- per month i.e. Rs. 54,000/- per annum. After deduction of 1/2 of the income i.e. Rs. 27,000/- for personal expenses, the amount would be Rs. 27,000/- and considering the age of the deceased to be 22 years, the Tribunal applied the multiplier of 18 and calculated the total loss of dependency as Rs. 4,86,000/-. Further Rs. 1,24,299/- towards medical expenses been awarded. Accordingly, the Claims Tribunal has awarded total compensation of Rs. 6,10,299/- in



favour of injured appellant/claimant with interest @ 6% per annum, from the date of application till its realization. Hence, this appeal for enhancement.

11. Learned counsel for the appellants/claimants submits that the claims Tribunal has awarded a sum of Rs. 6,10,299/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side and needs to be enhanced. He has placed reliance upon a judgment passed by the Hon'ble Supreme Court in the matter of ***Jagdish vs. Mohan and Ors reported in 2018 (4) SCC 571*** and in the matter of ***Atul Tiwari Vs. Regional Manager, Oriental Insurance Company Ltd in Civil Appeal No. 151/2025***. Hence, this appeal may be allowed by enhancing the compensation amount suitably.
12. Learned counsel for respondent No. 1 submits that in the facts and circumstances of case, the compensation awarded by the Claims Tribunal is just and proper and requires no further enhancement.
13. On the other hand, learned counsel for respondent No. 2 opposes the same.
14. I have heard learned counsel for the parties and perused the material available on record.
15. The learned claims Tribunal has assessed the income of the



injured appellant/claimant as Rs. 4,500/- per month. Therefore, in absence of any reliable evidence regarding income of the injured appellant/claimant, keeping in mind the nature of occupation, date of accident, price index and cost of living etc. especially notification by Labour Department for minimum wages. Upon considering the aforementioned factors, I find it appropriate to take income of injured appellant/claimant as Rs. 6,107/- per month as per minimum wages, the annual income comes to Rs. 73,284/- per annum.

- 16.** Considering the fact that the injured appellant/claimant was aged about 22 years old so deduction towards personal expenses would be 1/2 (Rs. 36,642/-) of the income and after deduction of the same the annual dependency comes to Rs. 36,642/-. In view of judgment of the Hon'ble Supreme Court in **Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another** reported in **(2009) 6 SCC 121** and **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680** and also considering the age of the injured appellant/claimant, after applying multiplier of 18, the total loss of dependency works out to Rs. 6,59,556/-.

- 17.** Considering the facts and circumstances of the case and also considering the fact that a sum of Rs. 1,00,000/- towards loss of amenities, Rs. 50,000/- towards pain and suffering, Rs. 30,000/-



towards special diet and Rs. 1,00,000/- towards future medical expenses are hereby enhanced.

18. In the result, the appeal is **partly allowed**. The injured appellant/claimant shall be entitled to **Rs. 2,80,000/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount will carry interest @ 6% from the date of enhancement of the award till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

Sd/-

(Amitendra Kishore Prasad)
Judge