



2026:CGHC:13757

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2175 of 2019

Chandra Shekhar Roy, Aged about 29 years, S/o Chandra Deep Roy,
Occupation Truck Driver, R/o Village Zora, Post Krishak Nagar,
Police Station Telibandha, Tehsil & District Raipur, Chhattisgarh.

(Claimant)

--- Appellant

Versus

1. Raj Bahadur Pal, Aged about 48 years, S/o Satya Narayan Pal, Truck Owner, R/o Kumar Road Carriers, Prem Ganga Complex, Chhokra Nala, Raipur, Tehsil & District Raipur, Chhattisgarh. (Owner of Truck bearing registration No.CG-04/ZC-5483)
2. New India Assurance Company Ltd., Through Divisional Manager, Division Office No.2, Bajrang Market, G.E. Road, Raipur, Chhattisgarh. (Insurer of Truck bearing registration No.CG-04/ZC-5483)

--- Respondents

AND

MAC No. 238 of 2020

The New India Assurance Company Limited, Through its Divisional Manager, Divisional Office-2, Bajrang Market, G.E. Road, Raipur, District Raipur, Chhattisgarh.

(Non-Applicant No. 2)

--- Appellant

Versus

1. Chandra Shekhar Roy, S/o Chandradeep Roy, Aged 29 years, Occupation Truck Driver, R/o Village Jora, Post Office Krishak Nagar, Police Station Telibandha, Tahsil & District Raipur, Chhattisgarh.

(Applicant)



2. Raj Bahadur Pal, S/o Satya Narayan Pal, Aged about 48 years, R/o Kumar Road Carriers, Prem Ganga Complex, Chhokra Nala, Raipur, Tahsil & District Raipur, Chhattisgarh. (Owner)

(Non-Applicant No.1)

--- **Respondents**

For Claimant : Mr. Akhilesh Mishra, Advocate.

For Insurance Company : Mr. Dashrath Gupta, Advocate.

Single Bench:-

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/03/2026

1. Since common question of law and fact is involved in both these appeals, they were clubbed together and heard analogously and are being disposed of by this common order.
2. The claimant as well as the Insurance Company, both, are aggrieved by the common award dated 17-9-2019 passed by the 7th Motor Accident Claims Tribunal, Raipur in Claim Petition No.103/2006, by which the Claims Tribunal has awarded a sum of ₹ 7,36,000/- to the claimant/driver as compensation, who suffered 86% permanent disability.
3. The Claims Tribunal has taken the income of the claimant to be ₹ 3,000/- per month and applying the multiplier of 17, loss of income has been assessed as ₹ 6,12,000/-, ₹ 54,000/- has been awarded towards medical expenses, ₹ 50,000/- has been awarded towards loss of normal amenities in future and ₹ 20,000/- has been awarded towards mental pain and agony.



4. Mr. Akhilesh Mishra, learned counsel appearing on behalf of the claimant, would submit that the compensation awarded to the claimant is very much on lower side and as such, it be enhanced accordingly.
5. Mr. Dashrath Gupta, learned counsel appearing on behalf the Insurance Company, would submit that the compensation awarded to the claimant is very much on higher side and it be reduced accordingly. He would further submit that the Second Schedule enacted under Section 163A of the Motor Vehicles Act, 1988 prior to its amendment would be applicable and medical expenses would be limited to ₹ 15,000/-. He would also submit that ₹ 20,000/- awarded towards mental pain and agony is also very much on higher side.
6. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
7. The Claims Tribunal has clearly recorded a finding that the claimant has suffered permanent disability to the extent of 86%, it has to be taken as 100% round figure and thereafter, monthly income of the claimant has been taken as ₹ 3,000/- which comes to ₹ 36,000/- per annum. Since the claimant is 30 years of age, multiplier of 17 has rightly been applied, though the amount of compensation awarded under medical expenses, loss of amenities and mental pain & agony is on higher side as per the Schedule applicable at that point of time. However, considering the fact that the appeals are now being decided



after remand, the said amounts cannot be said to be excessive and on higher side.

8. In that view of the matter, I do not find any merit in both the appeals, they deserve to be and are accordingly dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma