



2026:CGHC:9274



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 374 of 2022

- Ramtirath S/o Late Jeetau Prasad Aged About 60 Years R/o House No. 306, Ward No. 26, Jagdala Champa Police Station And Tahsil Champa, District - Janjgir- Champa (Chhattisgarh)
... **Appellant(s)**

versus

- Hiralal Patel S/o Ramlal Patel Aged About 22 Years R/o Village - Kotadabri, Champa, P.S. And Tahsil Champa, District - Janjgir Champa Chhattisgarh. (Driver Of Vehicle No. Cg-13I-2049)
- Kanhiya Lal Sahu S/o Ramu Lal Sahu Aged About 56 Years R/o Village Sukhrikala, Tahsil Kartala, District Korba Chhattisgarh. (Owner Of Vehicle No. Cg-13I-2049)
- The New India Assurance Company Ltd. Sada Complex, Transport Nagar, Korba District Korba Chhattisgarh. (Insurer Of Vehicle No- Cg-13I-2049)
... **Respondent(s)**

For Appellant	:	Mr. C.K. Sahu, Advocate
For Respondent No. 3	:	Mr. H.P. Agrawal, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

23.2.2026

- 1) Claimant-appellant has filed this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'Act of 1988') for enhancement of the compensation, challenging the impugned award dated



10.8.2021 passed by First Motor Accident Claim Tribunal, Janjgir, District – Janjgir-Champa in Claim Case No. 78/2019, whereby learned Tribunal has awarded compensation of Rs. 4,14,250/- with interest @ 9% per annum on account of injuries sustained by the appellant.

- 2) The case in brief is that on 2.4.2018 at about 6:30 am, claimant /appellant herein was going on his motorcycle from his workplace to home and when he reached Mission School, Bhojpur, the offending vehicle – Trailer bearing registration No. CG-13-L-2049 being driven in rash and negligent manner dashed the motorcycle. In the accident, claimant sustained serious injuries over various parts of body which resulted in amputation of left hand below elbow.
- 3) Appellant himself had filed an application under Section 166 of the Act of 1988 seeking total compensation of Rs.52,27,180/- and pleaded that he was 59 years old and was working as Deputy Manager (Production) in Prakash Industries Limited running a mobile shop and was earning Rs. 63,920/- per month. He further pleaded that due to amputation, he was discharged from duty 14 months prior to his actual retirement date. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.
- 4) Learned Counsel appearing for the appellant submits appellant suffered permanent disability to the extent of 60% as left hand below elbow was amputated, therefore he was discharged from



duty 14 months before his retirement but learned Tribunal has not awarded compensation towards loss of earning. He further submits that learned Tribunal has awarded meager amounts under conventional heads. He prays to modify the award accordingly.

- 5) On the other hand, learned counsel appearing for Insurance Company submits that claimant failed to examine any company official to prove that he was discharged from duty 14 months prior to his actual retirement. He further submits that Salary Slip (Ex. A/18) was not signed by any authorized signatory and no company official was examined to prove genuineness of said document. He contends that the amount of compensation awarded by the learned Tribunal to the claimant cannot be said to be on lower side, rather it is just and proper in the given facts and circumstances of the case and does not call for any interference.
- 6) I have heard learned counsel for the parties at length, considered their rival submissions and perused the records with utmost circumspection.
- 7) A careful perusal of record would reveal that claimant exhibited Salary slip (Ex. A/18) but learned Tribunal did not consider this document holding that no company official was examined to prove genuineness of said document and bank passbook was not exhibited to prove salary transactions.



8) In evidence, claimant stated that he was receiving basic pay of Rs.

42,100 in year 2018 and due to amputation he was discharged from duty 14 months prior to his actual retirement date and no suggestion was put by Insurance Company's counsel in cross-examination. Thus in my opinion, as the claimant was discharged from duty 14 months prior to his retirement due to amputation, he is entitled to receive separate compensation towards loss of earning for period of 14 months on account of disability taking into account Rs. 42,100/- as his monthly income.

9) It appears that learned Tribunal honored the medical bills to the tune of Rs. 2,89,250/- and granted adequate sums towards pain and suffering, special diet and transportation. However, learned Tribunal failed to grant separate compensation towards attendant charges whereas the claimant remained hospitalized for 50 days.

10) Thus, in light of the aforesaid discussion this Court is computing the compensation as below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Loss of earning (14 months)	NIL	Rs. 5,89,400/- (@ Rs. 42,100/- pm)
2.	Medical bills	Rs. 2,89,250/-	Rs. 2,89,250/-
3.	Pain and suffering	Rs. 50,000/-	Rs. 50,000/-
4.	Special Diet	Rs. 50,000/-	Rs. 50,000/-



5.	Attendant	NIL	Rs. 10,000/-
6.	Transportation	Rs. 25,000/-	Rs. 25,000/-
	<u>TOTAL</u>	Rs. 4,14,250/-	Rs. 10,13,650/-

11) Accordingly, the amount of compensation of Rs.4,14,250/- awarded by the learned Tribunal is enhanced to Rs.10,13,650/-. Hence, the appellants are entitled for an additional amount of **Rs. 5,99,400/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above in addition to the award passed by learned Tribunal within period of 60 days. Rest of the terms of the award shall remain intact.

12) Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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