



2026:CGHC:1149



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 516 of 2024**

*- Prakash Patel S/o Loku Patel Aged About 33 Years R/o Village- Deurgaon,
Tahsil- Saja, District : Bemetara, Chhattisgarh

... Appellant**Versus**

1 - Omprakash Gendre S/o Goverdhan Gendre Aged About 25 Years R/o
Village- Singhanpuri, Post Deurgaon, Tahsil- Saja, District : Bemetara,
Chhattisgarh

2 - Bajaj Allianz General Insurance Company Limited Through The Branch
Manager, Plot No. 2/7, Second Floor, In Front Of Ghadi Chowk, G.E. Road,
Akashganga, Supela, Bhilai, Tahsil And District- Durg, Chhattisgarh

... Respondents

For Appellant/Claimant	:	Mr. Sanjeev Kumar Sahu, Advocate
For Respondent No. 2/ Insurance Company	:	Mr. Shivansh Gopal, Advocate holding the brief of Mr. Ghanshyam Patel, Advocate
For Respondent No. 1	:	None, though served

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

08/01/2026

1. The appellant/claimant has filed this appeal under Section 173 of the Motor Vehicles Act for enhancement of compensation assailing the award passed by the learned Motor Accident Claims Tribunal, District Bemetara (C.G.) in Claim Case No. 11/2023 dated 04.12.2023, whereby the learned Claims Tribunal has granted compensation to the



tune of Rs.3,26,616/- with interest @ 9% per annum on account of injuries sustained by the claimant.

2. The facts of the case, in brief, are that on 18.01.2022, the appellant/claimant was going from Deurgaon to Tiriabhat in his motorcycle, at that time the offending vehicle- Pulsar motorcycle bearing registration No. CG-04 / KC-6719, which was being driven by respondent No. 1 in a rash and negligent manner, dashed the motorcycle of the claimant, as a result thereof, claimant sustained grievous injuries including fracture of ankle of right leg and knee of left leg.
3. Mr. Sanjeev Kumar Sahu, learned counsel appearing for the appellant/claimant would submit that on 18.01.2022, the claimant was going to village Tiriabhat on his motorcycle and at around 11:00 am, the rider of the offending vehicle bearing registration No. CG-04 / KC-6719 by ridding it rashly and negligently, dashed the motorcycle of the claimant, resultantly, he sustained injuries including fracture of ankle of right leg and knee of left leg. He would submit that the claimant remained hospitalized at Sarv Trauma Hospital, Raipur from 18.01.2022 to 08.03.2022 for period of 50 days. He would contend that after surgery, steel rod and plate were inserted. He would submit that disability certificate Ex. P-109 to the extent of 40% was issued by Orthopedic Surgeon. He would contend that the learned Claims Tribunal failed to consider the said certificate while computing the compensation. He would further contend that on conventional heads, the learned Claims Tribunal has granted meager amount. He would pray to enhance the compensation.



4. On the other hand, Mr. Shivansh Gopal, learned counsel appearing for respondent No. 2/Insurance Company would oppose. He would contend that the claimant failed to examine the treating doctor to prove the seriousness of the injuries. He also contend that disability certificate Ex. P-109 was not issued by Medical Board. He would submit that the claimant failed to examine the Doctor who issued disability certificate, therefore, the learned Claims Tribunal rightly ignored the said certificate Ex. P-109. He would submit that the learned Claims Tribunal has granted just and proper compensation.
5. I have heard learned counsel for the parties and perused the records of the learned Claims Tribunal with utmost circumspection.
6. Admittedly, the claimant sustained injuries over both the legs including fracture. As per the medical documents placed on record, the claimant remained hospitalized for more than 50 days, but the claimant failed to examine the treating doctor to prove seriousness of the injuries. Disability certificate Ex. P-109 was issued by Orthopedic Surgeon, but the claimant failed to examine said Surgeon and therefore, the learned Claims Tribunal rightly discarded the disability certificate. The learned Claims Tribunal honoured the medical bills incurred in treatment to the tune of Rs.2,35,416/- and such finding does not require any interference. The learned Claims Tribunal has granted compensation of Rs.3,200/- for attendant which appears to be at lower side. As the claimant remained hospitalized for 50 days, the appropriate figure should be of Rs.20,000/- and accordingly compensation for attendant is enhanced from Rs.3,200/- to Rs.20,000/-. The learned Claims Tribunal has granted compensation of Rs.10,000/- for conveyance. The claimant remained hospitalized for considerable period and submitted



bills dated 16.03.2022; 22.03.2022; 25.03.2022; 05.04.2022; 28.03.2022; 08.04.2022 and 14.04.2022. The learned Claims Tribunal discarded the bills only on the ground that some of the bills are duplicate.

7. Taking into consideration the nature of injuries sustained by the claimant and the period of hospitalization, the amount of compensation on the head of conveyance is enhanced from Rs.10,000/- to Rs.20,000/-. The learned Claims Tribunal has granted a sum of Rs.3,000/- for special diet and same is enhanced to Rs.10,000/- looking to the period of hospitalization of the claimant.
8. The claimant failed to prove grievousness of the injuries and disability certificate Ex. P-109, therefore, he is not entitled for compensation on account of loss of earning based on disability certificate. Further the claimant failed to prove permanent disability including future medical expenses and therefore, the learned Claims Tribunal rightly declined the compensation on these heads.
9. The claimant sustained fracture of ankle of right leg and knee of left leg and remained hospitalized for 50 days, but the learned Claims Tribunal granted compensation of Rs.3,000/- only for pain and suffering which is at lower side. The amount of compensation for pain and suffering is enhanced from Rs.3,000/- to Rs.25,000/-.
10. Thus, in light of the aforesaid discussion, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Medical Expenses during treatment	Rs.2,35,416/-	Rs.2,35,416/-
2.	Attendant	Rs.3,200/-	Rs.20,000/-



3.	Conveyance	Rs.10,000/-	Rs.20,000/-
4.	Special Diet	Rs.3,000/-	Rs.10,000/-
5.	Loss of earning for 06 months	Rs.72,000/-	Rs.72,000/-
6.	For Pain and Suffering	Rs.3,000/-	Rs.25,000/-
Total :		Rs.3,26,616/-	Rs.3,82,416/-

11. In view of the aforesaid analysis, the amount of compensation of **Rs.3,26,616/-** awarded by the Claims Tribunal is enhanced to **Rs.3,82,416/-**. Hence, after deducting the amount of **Rs.3,26,616/-**, the appellant/claimant is entitled for an additional amount of **Rs.55,800/-**. The concerned respondent No.1 is directed to deposit the amount of compensation as enhanced by this Court within a period of 03 months from the date of receipt of copy of this judgment. The additional amount of compensation shall carry interest @ 9% per annum from date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
12. In the result, the appeal is **allowed in part** with modification in the impugned award to the above extent.

Sd/-
(Rakesh Mohan Pandey)
Judge