



2026:CGHC:12800



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 473 of 2022

- Gaurav Manwani, S/o Harish Manwani, Aged About 23 Years, R/o Chatarji Street, New Sarkanda, Ward No.47, Sarkanda, Police Station Sarkanda, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

... Appellant

versus

- Balram Nishad, S/o Gaind Singh Nishad, Aged About 34 Years, R/o Village Ragholi (Agarwada), Post Salhetekri, Tahsil Nilbaihar, District Balaghat (Madhya Pradesh), At Present Mandir Hasaud, Under Railway Fatak (In House Of Punit Yadaw) District Raipur, Chhattisgarh (**Driver Of The Vehicle Bus No. C.G.-04/E/3376**).
- New Jeevan Bus Service Properitor Akashdeep Singh Mill, New Bus Stand, Pandari, Raipur, Tahsil And District Raipur, Chhattisgarh (**Owner Of The Vehicle Bus No. C.G.-04/E/3376**).
- Branch Manager, The Oriental Insurance Company Limited, Branch Office 1st Floor, Rama Trade Center, In Front Of Rajiv Plaza, Old Bus Stand Road, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh (**Insurer Of The Vehicle Bus No. C.G.-04/E/3376**).

... Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Anand Kesharwani, Advocate.
For Respondent No.2	:	Mr. Virendra Verma, Advocate.
For Respondent No.3	:	Mr. Deepak Gupta, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

17/03/2026

- The appellant/claimant has filed this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "M.V. Act") seeking enhancement of amount of compensation, challenging the award dated 24.12.2021 passed by the learned Fourth Upper Motor Accident Claims Tribunal, Bilaspur, District



Bilaspur (C.G.) (for short "Claims Tribunal") in Claim Case No.731/2018, whereby the learned Claims Tribunal allowed the application filed under Section 166 of the Act, 1988 in part and awarded total sum of Rs.12,47,933/-, as compensation, on account of the injuries sustained by the appellant.

2. An accident occurred on 11.01.2018 by rash and negligent driving of the offending vehicle 'Bus' bearing Registration No. CG-04-E-3376 driven by respondent No.1/driver, which was owned by respondent No.2/owner and insured with the respondent No.3/insurance company.
3. As per the claim application filed under Section 166 of the M.V. Act, the appellant was a private student of engineering and was also running a grocery shop and used to earn Rs.15,000/- per month. He became permanent disabled person on account of the injuries sustained by him in the said accident, which resulted into severe injuries on legs, hands and other parts of body. He spent Rs.4,50,000/- for his medical treatment and further Rs.2,00,000/- is required for his future treatment. On seeking compensation on all other heads, appellant claimed Rs.17,30,000/- as compensation amount.
4. The claim application of the appellant/claimant was registered on various counts. Insurance Company is taking a plea that there is a violation of insurance policy.
5. On the basis of above pleadings, learned Claims Tribunal framed as many as six issues and decided the same in favour of the appellant/claimant and awarded the above stated compensation.
6. Learned counsel for the appellant submits that the learned Claims Tribunal found the permanent disability and loss of earning capacity of the appellant to 40%. The income was also rightly assessed to Rs.9,360/- per month, however, no future prospects was added and the amount of compensation on



all other heads is also on lower side. Thus, suitable enhancement may be made.

7. Learned counsel appearing for the respective respondents opposes the submission made by the learned counsel for the appellant and submits that just and proper compensation has been awarded to the appellant/claimant. Income of the appellant/claimant could not be proved, thus, finding recorded by the learned Claims Tribunal is based on proper appreciation of evidence, hence, the impugned order does not required any interference by this Court.
8. I have heard learned counsel for the parties and perused the record of claim case available on record.
9. So far as, the disability is to the tune of 40% and earning capacity is concerned, this Court does not find any illegality or irregularity in the findings of the learned Claims Tribunal. The income of the appellant/claimant arrived at by the learned Claims Tribunal is also based on proper appreciation, thus, it is hereby maintained. However, the learned Claims Tribunal fails in not awarding any future prospects, thus, this Court is inclined to re-assess the compensation in the following manner:-

S.No.	Particulars	Compensation
A)	Monthly salary assessed as Rs.9360 x 12	Rs.1,12,320/-
B)	Addition towards loss of future prospects 40% (Rs.1,12,320 x 40% + Rs.1,12,320)	Rs.1,57,248/-
C)	For loss of future income (Rs.1,57,248 x 40%)	Rs.62,899.2/-
D)	Multiplier of 18 (Rs.62,899 x 18)	Rs.11,32,185/-
E)	Loss of monthly income as awarded	Rs.10,000/-
F)	For Attendant as awarded	Rs.12,000/-
G)	For transportation as awarded	Rs.12,000/-
H)	For nutritional diet as awarded	Rs.20,000/-
I)	For pain and suffering	Rs.25,000/-
J)	For medical expenses	Rs.3,65,229/-
	TOTAL	Rs.15,76,414/-



10. The learned Tribunal has awarded Rs.12,47,933/- which is deducted from the total compensation now awarded and the enhanced compensation comes to Rs.3,28,481/- (Rs.15,76,414 – Rs.12,47,933). Looking to the facts and circumstances of the case, interest @ 6% is also awarded on the enhanced amount of compensation from the date of filing of the appeal to be deposited by the insurance company within a period of 60 days.
11. In the result, the appeal is allowed in part with modification in the impugned award to the extent indicated hereinabove.

Sd/-
(**Sachin Singh Rajput**)
Judge

Deepti Jha