



2026:CGHC:14601

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 798 of 2020**

Sanjay, S/o. Shri Ghewar Chand, Aged About 34 Years, R/o. Village-Kondagaon, Thana, Tahsil & District- Kondagaon, Chhattisgarh.

--- Appellant**versus**

1 - Shrawan Kumar, S/o. Shri Sunderlal, Aged About 31 Years, By Caste Sahu, R/o. Near New Water Tank Bathena Para Dhamtari, Thana, Tahsil & District- Dhamtari, Chhattisgarh.

2 – Janardan, S/o. Shri Laxminarayan, Aged About 52 Years, By Caste Soni, R/o. Amapara Dhamtari, Thana, Tahsil & District- Dhamtari, Chhattisgarh.

3 - The Divisional Manager, Oriental Insurance Company Limited, M.B. Trade Balak Chowk Dhamtari, District- Dhamtari, Chhattisgarh.

--- Respondents

For Appellant	:	Mr. Sumit Shrivastava, Advocate
For Respondent No.3	:	Mr. Deepak Gupta, Advocate



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&

MAC No. 1052 of 2020

Through, Branch Manager, The Oriental Insurance Co. Ltd. M.B. Trade
Balak Chouk Dhamtari, District Dhamtari, Chhattisgarh.
(Insurer Of The Truck No. 18.H.0584)

---Appellant

Versus

1 – Sanjay, S/o. Ghevar Chand, Aged About 34 Years, Caste - Soni, R/o.
Kondagaon, Tehsil And District Kondagaon Chhattisgarh. (Claimant)

2 - Shravan Kumar, S/o. Sundar Lal, Aged About 31 Years, Caste - Sahu,
R/o. Near New Water Tank Batena Para, Dhamtari, Thana Dhamtari,
Tehsil & District Dhamtari Chhattisgarh. (Driver Of The Truck No.
18.H.0584)

3 – Janardan, S/o. Laxminarayan, Aged About 52 Years, Caste Soni, R/o.
Amapara Dhamtari, Thana, Tehsil & District Dhamtari Chhattisgarh.
(Owner Of The Truck No. 18.H.0584).

--- Respondents

For Appellant : Mr. Deepak Gupta, Advocate

For Respondent No.1 : Mr. Sumit Shrivastava, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board



27.03.2026

1. Since common question of law and facts are involved in both the appeals, they are clubbed together, heard together and disposed of by this common order.
2. Against the award dated 10.02.2020, passed by the learned Additional Motor Accident Claims Tribunal (F.T.C.) Dhamtari, District Dhamtari, the claimant has preferred MAC No.789/2020 whereas the insurance company has preferred MAC No.1052/2020.
3. Mr. Deepak Gupta, learned counsel for the insurance company, would submit that the impugned award is liable to be set aside, as there is delay in lodging the FIR and delay in seizure of the offending vehicle, therefore, the insurance company has falsely been implicated in the matter to get the amount of compensation.
4. Mr. Sumit Shrivastava, learned counsel for the claimant, would submit that the compensation towards loss of amenities and loss of future medical treatment has not been awarded to the claimant, as he has suffered permanent disability; therefore, amount of award be enhanced suitably.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.



6. So far as the appeal of the insurance company is concerned, the accident occurred on 10.07.2015 whereas the FIR was lodged on 29.08.2015 with a delay of about 50 days and thereafter, the charge sheet was filed on 29.12.2015. Merely on the basis of delay in lodging the FIR, the claim case cannot be rejected, as per the law laid down in **Ravi v. Badrinarayan & Others**¹. As such, the appeal of the insurance company deserves to be and is hereby dismissed.
7. So far as the appeal filed by the claimant is concerned, admittedly the learned Claims Tribunal has not awarded compensation towards loss of amenities and loss of future medical treatment. Considering the facts of the case and evidence available on record, an amount of Rs. 50,000/- is awarded towards loss of amenities and further an amount of Rs.50,000/- is awarded towards future medical treatment i.e. total Rs. 1,00,000/- (Rupees One Lakh Only).
9. In view of the above, the amount of compensation of **Rs. 8,24,932/-** awarded by the Claims Tribunal is enhanced to **Rs. 9,24,932/-**. The appellant is entitled for an additional amount of **Rs. 1,00,000/-** in addition to the amount awarded by the learned Claims Tribunal. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of copy of this order. The additional

¹ (2011) 4 SCC 693



amount of compensation shall also carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

10. Accordingly, the appeal of the insurance company is dismissed and the appeal of the claimant is allowed. The impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok