



2026:CGHC:10190



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 527 of 2022

- Mohd. Aziz S/o Nizamuddin Aged About 25 Years Caste- Muslim, R/o Village - Satpata, Police Station- Bishrampur, Tahsil And District - Surajpur (C.G.)

... Appellant(s)

versus

1. Saroj Kumar Sahu S/o Rajpal Sahu Aged About 29 Years R/o Village - Pampapur, Police Station - Surajpur, Tahsil - Ramanujnagar, District Surajpur (C.G.)
2. Manoj Kumar Sahu S/o Rajpal Sahu, Aged About 32 Years R/o Village - Pampapur, Police Station - Surajpur, Tahsil - Ramanujnagar, District Surajpur (C.G.)

... Respondent(s)

For Appellant	:	Ms. A. Sandhya Rao, Adv. on behalf of Mr. Shahid Ahmed Ansari, Adv.
For Respondents	:	Mr. Anil Gulati, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

27.2.2026

- 1) It is an admitted appeal. With the consent of parties, matter is heard finally.
- 2) Appellant/ claimant has filed this appeal under Section 173 of MV Act assailing the award passed by learned Second Additional Motor Accident Claims Tribunal, Surajpur (C.G.) in Claim Case



No. 10/2017 dated 7.12.2018 whereby the learned Tribunal awarded Rs. 1,10,422/- with interest @ 9% p.a. from date of application till its realization and fastened the liability on owner and driver of offending vehicle.

- 3)** Facts of the present case are that on 23.8.2016, appellant was riding on motorcycle along with one Pradeep Patel as pillion rider and when they were passing through Amagaon Jungle at 16:30 hrs., the offending vehicle – Car bearing registration No. CG-04-C-9900 being driven in rash and negligent manner, dashed the motorcycle. In the accident, appellant sustained serious injuries including fracture over femur bone of right leg and injury over right wrist. Appellant himself filed claim case claiming therein compensation to the tune of Rs. 14,20,000/-. He pleaded that he used to earn Rs. 25,000/- per month working as private mechanic under SECL. Owner and driver of offending vehicle filed reply and pleaded that accident occurred on account of negligence on the part of driver of motorcycle. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.
- 4)** Learned counsel for the appellant submits that appellant suffered permanent disability to the extent of 60% but learned Tribunal failed to consider the disability certificate and awarded meager amounts for pain and suffering, attendant charges and transportation. She further submits that learned Tribunal has assessed the notional income of deceased to be Rs. 4,500/- per



month which is at lower side. She prays to enhance the compensation accordingly.

- 5) On the other hand, learned counsel appearing for the respondents submits that claimant did not sustain permanent disability and failed to examine the treating doctor to prove seriousness of injuries. He contends that matter was settled before National Lok Adalat on 14.5.2022 and respondents have made payment of entire award amount along with interest part. He argues that learned Tribunal has awarded just and proper compensation and there is no scope for interference.
- 6) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 7) It is not in dispute that offending vehicle was not insured, therefore Tribunal fastened liability on owner and driver. Appellant suffered fracture over femur bone of right leg and injury over right wrist. A careful perusal of record would reveal that appellant placed on record medical documents including reports, bills and prescriptions but failed to examine treating doctor to prove the seriousness of injuries. Also, no disability certificate was exhibited before the learned Tribunal and plea of permanent disability has been taken for the first time before this Court.
- 8) Learned Tribunal has passed following award :-



Sr. No.	Heads	Compensation awarded by Tribunal
1.	Loss of earning (three months)	Rs. 13,500/- (@Rs. 4,500/- pm)
2.	Attendant Charges	Rs. 13,500/-
3.	Medical Bills	Rs. 63,422/-
4.	Pain and suffering	Rs. 10,000/-
5.	Transportation and Special Diet	Rs. 10,000/-
	<u>TOTAL</u>	Rs. 1,10,422/-

9) A careful perusal of award would reveal that learned Tribunal has awarded Rs. 13,500/- towards loss of earning ; Rs. 10,000/- towards pain and suffering ; Rs. 10,000/- towards special diet and transportation and Rs. 13,500/- towards attendant charges. Learned Tribunal also honored the medical bills submitted by appellant. Thus, in total Rs. 1,10,422/- has been awarded by the Tribunal. In my opinion, learned Tribunal has awarded appropriate compensation under these heads.

10) Respondents have placed on record a covering memo which contains certified copy of compromise arrived at between the parties. This document clearly establishes that matter was settled between the parties before National Lok Adalat on 14.5.2022 and entire award amount has been paid to claimant along with interest part and a joint application in this regard was moved by both the parties before concerned Tribunal.



11) In view of the foregoing discussion, in the opinion of this Court, learned Tribunal has awarded just and proper compensation and there is no scope for interference. Consequently, this appeal fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya