



2025:CGHC:38807

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Date: 2025.08.06  
14:44:06 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 641 of 2022**

Jivan Bhardwaj S/o Parmeshwar Bhardwaj Aged About 33 Years  
R/o Village Khatiyapati, Police Station- City Kotwali Baloda  
Bazar, District Baloda Bazar-Bhatapara (C.G.)

**... Appellant****versus**

1 - Govardhan Lodha S/o Bherulal Lodha Aged About 31 Years  
R/o Jhopda Takawas, Police Station Sawar, District Ajmer  
(Rajasthan) (Driver Of Offending Vehicle Trailer Truck Bearing  
Registration No. R.J. 48-G.A.-0983)

2 - Ramesh Lodha S/o Mukana Lodha Aged About 43 Years R/o  
Village Tekwas Sarvar, Tahsil Sarvar, District Ajmer (Rajasthan)  
(Owner Of Offending Vehicle Trailer Truck Bearing Registration  
No. Rj.48-Ga-0983)

3 - The Insurance Company United India Insurance Company  
Limited, Branch Office- L.I.C. Building, Pandri, District Raipur  
(C.G.) (Insurer Of Offending Vehicle Trailer Truck Bearing  
Registration No. R.J. 48-G.A.-0983)

**... Respondents**

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For Appellant : Mr. C.R. Sahu, Advocate

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For respondent No. 3 : Mr. Akash Shrivastava, Advocate

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**SB- Hon'ble Shri Justice Sanjay K. Agrawal**  
**Judgment On Board**

**05.08.2025**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short “Act of 1988”) has been preferred by the appellant/claimant seeking enhancement of amount of compensation, challenging the impugned award dated 08/04/2022 passed by learned Motor Accident Claims Tribunal, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) in MACT No. 38/2021, whereby learned Claims Tribunal has awarded a total sum of Rs. 73,600/- as compensation to the claimant for the injuries suffered by him.
2. Facts of the case relevant for disposal of this appeal are that 22/12/2020, appellant/claimant was driving his vehicle Tata 207 D.I. No. CG 22 H 9964 and at about 10 PM, respondent No. 1, who was driving his trailer truck bearing Registration No. RJ 48 GA 0983 in a rash and negligent manner, collided with the appellant’s vehicle due to which appellant suffered grievous injuries on his chest and head and his ribs got fractured.

- 3.** Learned Claims Tribunal, upon appreciation of pleadings and evidence placed on record by respective parties, held that appellant suffered grievous injuries on account of the accident arising out of rash and negligent driving of the aforesaid offending vehicle which was driven by respondent No. 1. Breach of conditions of insurance policy was not found proven, and after calculating the amount of compensation, awarded Rs. 73,600/- as total compensation with interest @ 6 % p.a. from the date of filing of claim application.
- 4.** Learned counsel for the appellant would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in not granting any compensation under the head of loss of income, therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
- 5.** Learned counsel for respondent No. 3 would support the impugned award and submit that the instant appeal is liable to be dismissed.
- 6.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

7. Learned Claims Tribunal, after consideration of oral and documentary evidence available on record, has granted Rs. 73,600/- as total compensation in favour of the appellant/claimant bifurcating it under different heads like Rs. 43,600/- under medical expenses, Rs. 10,000/- under transportation and nutrition and Rs. 20,000/- under physical and mental agony, however, considering that the appellant/claimant was aged about 32 years at the time of the accident and considering the injuries suffered by him, he might not have been able to work for a few months, therefore, the Claims Tribunal ought to have granted compensation under the head of loss of income as well. As such, after due consideration, this Court is computing the compensation as follows :-

| <b>Sr. No.</b> | <b>Heads</b>       | <b>Compensation awarded by the Tribunal</b> | <b>Compensation awarded by this Court</b> |
|----------------|--------------------|---------------------------------------------|-------------------------------------------|
| 1.             | Loss of Income     | NIL                                         | Rs. 8,960/- x 2 =<br>Rs. 17,920/-         |
| 2.             | Pain and agony     | Rs. 20,000/-                                | Rs. 30,000/-                              |
| 3.             | Medical Expenses   | Rs. 43,600/-                                | Rs. 43,600/-                              |
| 4.             | Diet and nutrition | Rs. 5,000/-                                 | Rs. 10,000/-                              |
| 5.             | Transportation     | Rs. 5,000/-                                 | Rs. 10,000/-                              |
| 6.             | Assistance         | NIL                                         | Rs. 10,000/-                              |
|                | <b>Total</b>       | <b>Rs. 73,600/-</b>                         | <b>Rs. 1,21,520/-</b>                     |

8. In view of the aforesaid analysis, the amount of compensation of Rs. 73,600/- awarded by the Claims

Tribunal is enhanced to Rs. 1,21,520/-. Hence, after deducting the amount of Rs. 73,600/-, the appellant is held entitled for an additional amount of **Rs. 47,920/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal i.e. 17/06/2021 till its realization. Rest of the conditions of the impugned award shall remain intact.

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

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**

Harneet