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## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MAC No. 1135 of 2023

**1** - Smt Hemlata Miri (Hembai) W/o Shri Ghasiram Miri (Malikram) Aged About 35 Years R/o Village Rampur, Police Station Basna, District Mahasamund (C.G.)

**... Appellant**

**versus**

**1** - Narendra Kumar S/o Sohan Singh Banjara Aged About 34 Years R/o Village Chakarda, Police Station Saraipali, District Mahasamund (C.G.) (Driver Of Alleged Vehicle Wagon-R-Car Bearing Registration No. C.G. 06 G M 5303).

**2** - Harihar Nayak (Died And Deleted) As Per Honble Court Order Dated 13-02-2026 And 17-04-2026.

**3** - Branch Manager Ifko Tokiyo General Insurance Company Limited, Branch Office, Galaxy Height First Floor, I C I C I Near Bank Sanjay Gurukripa, Tower In Front Of Sanjay Apartment Vyapar Vihar Road, Police Station Tarbahar, Tahsil And District Bilaspur (C.G.) (Insurer Of Alleged Vehicle Wagon-R-Car Bearing Registration No. C.G. 06 G M 5303).

**... Respondents**

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For appellant	: Mr. C. K. Sahu, Advocate
For Res. No. 3	: Mr. Swapnil Thawani, Advocate holding brief of Mr. P. R. Patankar, Advocate

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Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

04/05/2026

1. This Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "M.V. Act") has been filed by the appellant/claimant, being aggrieved by the award dated 07.11.2011, passed by the 3<sup>rd</sup> Additional Motor Accident



Claims Tribunal, Bilaspur, District-Bilaspur (C.G.) in MACT No. 821 of 2019.

2. By the impugned award the learned Tribunal has awarded compensation of Rs. 1,17,683/- to the appellant/claimant against a claim of Rs. 7,00,000/- alongwith 12% pa interest on account of the injuries sustained by the appellant- Smt Hemlata Miri (Hembai) in an accident that took place on 24.12.2018 by rash and negligent driving of the offending vehicle (car) bearing registration No. CG06-GM/5303, driven by driver/respondent No. 1 owned by Owner/respondent No. 2(now he is died) and insured by Insurance Company/respondent No. 3. As a result of the said accident, the appellant/ Smt Hemlata Miri sustained severe injuries on her person.
3. As per the pleadings, at the time of accident, the appellant/ Smt Hemlata Miri was aged about 35 years and was doing agricultural work and she is labourer and used to earn of Rs. 7,000/- per month.
4. Respondent No. 1 /Driver denied averment made in the claim application and filed the written statement. Respondent No. 3/Insurance in usual course, denied the averments of the claim application and pleaded that the driver of the offending vehicle did not have valid and effective driving licence and there is a violation of terms and conditions of insurance policy.
5. On the basis of the above pleadings, the learned Tribunal has framed five issues and after appreciating the material available on record decided the same in favour of the appellant/claimant and awarded above stated compensation.
6. Learned counsel for the appellant/claimant submits that amount of compensation is on the lower side. The appellant has suffered severe injuries on her person. Hence, suitable enhancement may be made by this Court.



7. Mr. Thawani, learned counsel for respondent No. 3 support the award and submit that in view of the evidence available on record finding of the learned Claims Tribunal is justified and just compensation has been awarded.
8. I have heard learned counsel for the parties, considered their rival submissions and perused the records.
9. The learned Tribunal after meticulous examination of the evidence, awarded Rs. 54,683/- for treatment of the appellant; Rs. 21,000/- for loss of income; Rs. 25,000/- for pain & suffering; Rs. 4,500/- for Nutritional diet and Rs. 5,000/- for transportation; Rs. 7,500/- for attendant, hence the learned Tribunal awarded total compensation of Rs.1,17,683/- to the appellant/claimant.
10. In view of evidence available on record, this Court is of the view that ends of justice would meet if an additional compensation of Rs. 25,000/- be awarded under all relevant heads to make the compensation just.
11. The appeal is allowed in part and the compensation amount is enhanced to Rs. 25,000/- in addition to the amount awarded by the learned Claims Tribunal. The respondent No. 3/Insurance Company Ltd. is granted two months' time to deposit enhanced amount of compensation of Rs. 25,000/- before the concerned Tribunal. Rest of the conditions in the impugned award to remain intact. No order as to costs.

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

**Ami**