



2026:CGHC:27140

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1497 of 2026**

1 - Lakky Chandra Son Of Bhim Chandra, Aged About 6 Years Minor Through Legal Natural Guardian His Father Bhim Chandra Son Of Nannu Narayan Chandra, Aged About 35 Years, Resident Of Ward No. 07, Sitamani, Machhali Pasra Gali, Korba, P. S. And District Korba Chhattisgarh At Present Resident Of Infront Of Guru Ghasidas College Koni, P. S. Koni, Tahsil And District Bilaspur Chhattisgarh

... Appellant**versus**

1 - Durgesh Kumar Chandra Son Of Dhwa Lal Chandra, Aged About 29 Years Resident Of Ward No. 10, Jaijaipur, P. S. Jaijaipur, District Sakti Chhattisgarh (Driver And Owner Of Offending Vehicle Car Bearing Registration No. C. G. -11-B G -0138)

2 - Branch Manager, National General Insurance Company Ltd. Branch Office Address- First Floor, Agrawal Chambers Vpayar Vihar Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh (Insurer Of Offending Vehicle Car Bearing Registration No. C. G. -11-B G-0138)

... Respondents

For Appellant	:	Mr. C.K. Sahu, Advocate.
For Respondents	:	Not noticed.

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.**Order on Board****(02.07.2026)**

1. Heard on I.A. No. 01/2026, application for condonation of delay under Section 5 of the Limitation Act.



2. Upon due consideration and for the reasons mentioned in the application, I.A. No. 01/2026 is allowed and delay of 95 days in filing the instant appeal is condoned.
3. Also heard on admission.
4. This is the claimant's appeal against the award dated 16.12.2025 passed by the 2nd Motor Accident Claims Tribunal, Bilaspur, District – Bilaspur (C.G.) in Motor Accident claim case No.1714/2025 whereby a compensation amount of Rs. 9,930/- has been awarded in favour of the claimant.
5. As against the compensation of Rs.22,50,000/- claimed by the claimant/appellant by filing claim application under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') for injuries sustained in the motor accident on 04.03.2024, the Tribunal awarded a total sum of Rs.9,930/- as compensation along with interest @ 9% per annum till its actual payment. Hence the appeal for enhancement.
6. Learned counsel appearing for the appellant submits that the claimant has examined the witnesses and he has proved the case of the claimant that the injured claimant has permanent disability due to the accident; therefore, the awarded compensation is liable to be enhanced.
7. I have heard learned counsel appearing for the appellant and perused the record of the Tribunal including award impugned.
8. The Tribunal, on a close scrutiny of the evidence, held that the accident had occurred due to the rash and negligent driving of a vehicle bearing registration No. CG-11-BG-0138 by its driver/owner, Durgesh Kumar Chandra – respondent No.1 herein; appellant Lakky Chandra sustained injuries in the accident; the tribunal held that no evidence has been adduced by PW1-Bhimchandra, guardian father of the minor claimant, to prove that the minor sustained permanent disability as a consequence of the accident. Neither relevant medical documents have been filed, nor any medical witness has been examined by the claimant in support thereof. Though it is



deposed in the affidavit of PW1 that the minor suffered injuries to his legs and head, the medical report Exhibit P-4 shows only simple injury. While an X-ray examination was advised, no X-ray report or medical record evidencing a fracture has been placed on record. Upon appreciation of the medical documents, it is not established that the minor suffered any fracture. Further held that it stands proved that the minor claimant sustained simple injuries in the accident. However, in the absence of cogent medical evidence or testimony of a medical expert, the claim of permanent disability remains unproven. Hence, a total compensation of Rs. 9,930/- has awarded in the following manner:-

Heads	Awarded amount
For treatment	Rs. 930/-
Special diet	Rs. 2,000/-
Transport expenses	Rs. 2,000/-
Physical and Mental pain	Rs. 5,000/-
Total	Rs. 9,930/-

9. It is clear from the material available on record Claim of permanent disability has not been proved, as PW1-Bhimchandra led no medical evidence or witnesses. MLC (Ex.P-4) shows only simple injury. X-ray was advised, but neither a report of X-ray has been filed nor has the treating doctor been examined. The minor/claimant sustained only simple injuries in the accident; permanent disability was not established. Thus, the finding of the Tribunal is based on the evidence available on record, and the quantum assessed by the Tribunal is also just and proper, in which no interference is required.
10. Accordingly, the appeal of the appellant is hereby **dismissed** at the admission stage.

Sd/-
Sanjay Kumar Jaiswal
Judge