



2026:CGHC:19650

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1177 of 2020

1 - Niranjan Dhruw S/o Makhan Dhruw Aged About 29 Years Resident Of Village Nevra Tilda Ajaypur , Police Station Kota, Tahsil Thakhatpur , District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Appellant

versus

1 - Laxmi Prasad Jaiswal S/o Ramkumar Jaiswal Aged About 32 Years Occupation Driver, Resident Of Kota , Tahsil And Police Station Kota, District Bilaspur Chhattisgarh. (Driver Of Mazda No. C.G. 10 A 4210), District : Bilaspur, Chhattisgarh

2 - Ashok Singh S/o Itwar Singh Resident Of Kargikhurd, Kota , Tahsil And Police Station Kota , District Bilaspur Chhattisgarh. (Owner Of Mazda No. C.G. 10 A 4210), District : Bilaspur, Chhattisgarh

3 - The Oriental Insurance Company Limited Through The Branch Manager , Rama Trade Center , In Front Of Rajeev Plaza , Near Bus Stand, Bilaspur, Tahsil And District Bilaspur Chhattisgarh. (Insurer Of Mazda No. C.G. 10 A 4210), District : Bilaspur, Chhattisgarh

... Respondent(s)

For Appellant : Ms. Deeksha Jaiswal on behalf of Mr. Avinash
Chand Sahu, Advocates

For Respondent : Mr. Deepak Gupta, Advocate

No. 3

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

28.04.2026

1. The instant appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellant/claimant against the impugned award dated 24/01/2020 (Annexure A/1) passed by learned 7th Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 119/2019 seeking enhancement of compensation awarded by the Claims Tribunal for the injuries suffered by him.
2. Learned counsel for the appellant/claimant would submit that the appellant sustained serious injuries in his leg and while treatment, plate was inserted in his leg and on that account, the amount of compensation awarded by the Claims Tribunal is grossly inadequate, therefore, it may suitably be enhanced.
3. Learned counsel for respondent No. 3/Insurance Company would support the impugned award and submit that the

compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

5. A careful perusal of the award would show that the Claims Tribunal has not assessed monthly income of the appellant/claimant and straightway granted Rs. 50,000/- for loss of income, however, looking to the monthly income as per the minimum wage notification prevailing at the time of the accident, Rs. 80,000/- ought to have been granted for loss of income. Moreover, appellant suffered serious injury in his leg due to which plate was inserted in his leg, therefore, the Claims Tribunal ought to have granted compensation keeping in mind, the injury suffered by the appellant and the treatment undergone by him, his pain and suffering, special diet, loss of amenities and transportation.

6. In view of the aforesaid, compensation is calculated below :-

Heads of Compensation	Compensation awarded by the Tribunal	Compensation awarded by this Court
Loss of income	Rs. 50,000/-	Rs. 80,000/-
Medical Expenses	Rs. 46,873/-	Rs. 46,873/-

Future Treatment	Rs. 30,000/-	Rs. 70,000/-
Pain and suffering	Rs. 10,000/-	Rs. 30,000/-
Special Diet	Rs. 5,000/-	RS. 15,000/-
Loss of amenities	NIL	Rs. 30,000/-
Transportation	Rs. 2,000/-	Rs. 10,000/-
Total	Rs. 1,43,873/-	Rs. 2,81,873/-

7. In view of the aforesaid analysis, the amount of compensation of Rs. 1,43,873/- awarded by the Claims Tribunal is enhanced to **Rs. 2,81,873/-**. Hence, the appellant/claimant is held entitled for an additional compensation of **Rs. 1,38,000/-**. Respondent No. 3 is directed to deposit the amount of compensation as enhanced by this Court within a period of 30 days from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 8% *per annum* from the date of filing of claim application before the Tribunal i.e. 24/01/2020 till its realization. Rest of the conditions of the impugned award shall remain intact.

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

Sd/-
(Sanjay K. Agrawal)
Judge