2026:CGHC:3739
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 920 of 2018

1 - Tejuram S/o Bhogal Aged About 52 Years Caste Rajwar, Occupation Service, R/o Village Latori, Police Station Jainagar, District Surajpur Chhattisgarh. (Claimant), District : Surajpur, Chhattisgarh

--- **Appellant**

versus

1 - The United India Insurance Company Limited Through Branch Manager, The United India Insurance Company Limited, Bramh Road, Ambikapur, District Surguja Chhattisgarh. (Insurer Of The Offending Vehicle), District : Surguja (Ambikapur), Chhattisgarh

2 - Devnarayan Yadav, S/o Kowa Yadav, Aged About 37 Years R/o Village Kalyanpur, Police Station Jainagar, District Surajpur Chhattisgarh. (Driver Of The Offending Vehicle), District : Surajpur, Chhattisgarh

3 - Vihay Kumar Jaiswal, S/o Gopal Prasad Jaiswal, Aged About 38 Years R/o Village Kalyanpur, Police Station Jainagar, District Surajpur Chhattisgarh. (Owner Of The Offending Vehicle), District : Surajpur, Chhattisgarh

--- Respondent(s)

For Appellant	:	Ms. Ankita Goswami, Advocate appearing on behalf of Mr. Pushpendra Kumar Patel, Advocate
For Respondent No. 1	:	Mr. Dashrath Gupta, Advocate

MAC No. 1459 of 2018

1 - United India Insurance Co. Ltd. Through Its Divisional Manager, Divisional Office- Bramh Road Ambikapur-District- Surguja, Chhattisgarh....(Non-Applicant No.1), District : Surguja (Ambikapur), Chhattisgarh

--- Appellant

Versus

1 - Tejuram S/o Bhogal Caste- Rajwar, Occupation- Service, R/o Village Latori, Police Station- Jaynagar, District- Surajpur, Chhattisgarh.....(Applicant), District : Surajpur, Chhattisgarh

2 - Devnarayan Yadav S/o Koa Yadav Aged About 37 Years R/o Village-Kalyanpur, Police Station- Jaynagar, District- Surajpur, Chhattisgarh........(Non-Applicant No.2), District : Surajpur, Chhattisgarh

3 - Vinay Kumar Jaiswal S/o Gopal Prasad Jaiswal Aged About 38 Years R/o Village- Kalyanpur, Police Station- Jaynagar, District-Surajpur, Chhattisgarh......(Non-Applicant No.3), District : Surajpur, Chhattisgarh

--- Respondent(s)

(Cause-title is taken from Case Information System)

For Appellant	:	Mr. Dashrath Gupta, Advocate
For Respondent No. 1	:	Ms. Ankita Goswami, Advocate appearing on behalf of Mr. Pushpendra Kumar Patel, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

19/01/2026

MAC No. 920/2018 & MAC No. 1459/2018

1. The present appeals are being decided by this common order, as both arise out of the same award dated 11.05.2018 passed by the Third Additional Motor Accident Claims Tribunal, Surajpur (C.G.) in Claim Case No. 53/2015. M.A.C. No. 920 of 2018 has been filed

by the claimant seeking enhancement of the compensation awarded by the Tribunal, whereas M.A.C. No. 1459 of 2018 has been preferred by the Insurance Company challenging the liability imposed upon it by the Tribunal.

2. Brief facts of the case, is that, on 16.11.2014 at about 6:45 a.m., the claimant was proceeding towards Mani Getara Gayatri Mines for discharging his duties, riding his Panther Moped bearing Registration No. CG-15-5907. When he was on the way, the offending Truck bearing Registration No. CG-15 AC-0329, driven by respondent No.2 in a rash and negligent manner, dashed against the claimant's moped, as a result of which the claimant sustained serious injuries on various parts of his body and suffered loss of vision in one eye.

3. Learned counsel for the appellants / claimants in **M.A.C. No. 920 of 2018** submits that the impugned award passed by the learned Claims Tribunal is partly bad in law as well as on facts, and is contrary to the material available on record. It is further submitted that the learned Claims Tribunal failed to appreciate that the claimant examined relevant witnesses and duly proved his case by leading cogent and reliable evidence. In spite of such evidence, the Tribunal did not grant just and proper compensation, whereas the entire claim deserved to have been decreed in favour of the claimant. Learned counsel submits that the respondents failed to adduce any oral or documentary evidence to rebut or

discredit the evidence led by the claimant. In absence of any rebuttal evidence, the testimony and documents produced by the appellant ought to have been accepted in toto and the claim ought to have been allowed in full. It is submitted that the learned Claims Tribunal has not properly awarded compensation keeping in view the nature and extent of injuries sustained by the appellant, resulting in an unjust and inadequate award. Learned counsel further submits that the compensation awarded towards medical expenses is wholly insufficient and does not reflect the actual medical expenditure incurred by the appellant, despite medical bills and treatment records being placed on record. It is further contended that the learned Claims Tribunal has failed to award compensation towards loss of future income and has not properly assessed the reduction in work capacity caused due to the injuries suffered by the appellant. Learned Claims Tribunal ought to have awarded just, fair and reasonable compensation in accordance with settled principles of law, which has not been done in the present case. It is submitted that the compensation awarded under various heads is on the lower side and is liable to be suitably enhanced by this Court. Learned Claims Tribunal has not properly assessed the income of the appellant and has wrongly applied the multiplier as well as deductions, thereby causing grave prejudice to the appellant. It is further submitted that while assessing compensation, the learned Claims Tribunal failed to consider the bright future and prospects of the appellant, which ought to have been taken into account while awarding compensation. The interest awarded by the learned Claims Tribunal is not proper and is liable to be enhanced considering the facts and circumstances of the case. Looking to the overall facts and circumstances of the case, the compensation awarded by the learned Claims Tribunal is grossly inadequate and is liable to be enhanced by this Court.

4. Learned counsel for insurance company submits that the impugned award passed by the learned Claims Tribunal is bad in law, contrary to the evidence on record, and therefore liable to be set aside. It is submitted that in the present case neither the treating Doctor nor any Doctor from the Medical Board, who allegedly issued the disability certificate, was examined before the Tribunal to prove the alleged disability. In absence of such evidence, the disability has not been proved in accordance with law, yet the learned Claims Tribunal erroneously relied upon the same while awarding compensation. Learned counsel further submits that as per the salary slip of respondent No.1 (Exhibit D-1) for the month of November, his monthly income was Rs. 18,020/-. However, the learned Claims Tribunal, without considering the said document, placed reliance on the salary slip for the month of October and wrongly included overtime, conveyance and bonus while calculating the monthly income, thereby assessing the income on the higher side and awarding excessive compensation, which is illegal and liable to be reduced

to the extent permissible under law. It is further submitted that respondent No.1 was an employee of SECL and, due to the alleged injuries, he remained a non-salaried employee from 16.11.2014 till 31.12.2016, i.e., till the age of retirement. The learned Claims Tribunal failed to consider this material aspect and wrongly applied a multiplier of 9, whereas a split multiplier ought to have been applied. On this count also, the compensation awarded is highly excessive, illegal and liable to be reduced. Learned counsel submits that the alleged accident is stated to have taken place on 16.11.2014, whereas the FIR was lodged after a delay of nearly three months. Such unexplained delay raises serious doubt about the genuineness of the accident and indicates false implication of the alleged offending vehicle. The learned Claims Tribunal overlooked this vital aspect and wrongly fastened liability upon the appellant–Insurance Company, which is illegal and unsustainable. It is submitted that the learned Claims Tribunal has wrongly awarded compensation towards repair of the moped, despite the fact that the claimant had already filed an own-damage claim for the said moped before the insurer of the vehicle. Grant of compensation under this head amounts to double benefit and is therefore impermissible in law. Claimant himself was negligent in causing the alleged accident and the case is clearly one of contributory negligence. The learned Claims Tribunal failed to consider this aspect while passing the impugned award, resulting in grave illegality. It is submitted that for the reasons stated hereinabove, the impugned award passed by the learned Claims Tribunal is illegal, excessive and unsustainable in the eyes of law and is therefore liable to be set aside insofar as it relates to the appellant–Insurance Company. In view of the foregoing submissions, it is prayed that this Court may kindly be pleased to set aside the impugned award dated 11.05.2018 holding the same to be bad and illegal, insofar as it fastens liability upon the appellant–Insurance Company, in the interest of justice.

5. I have heard learned counsel appearing for the parties and perused the record of the Tribunal including award impugned.

6. The undisputed facts reveal that on 16.11.2014 at about 6:45 a.m., the claimant was proceeding towards Mani Getara Gayatri Mines for attending his duties, riding his Panther Moped bearing Registration No. CG-15-5907. At that time, the offending truck bearing Registration No. CG-15 AC-0329, driven by respondent No.2 in a rash and negligent manner, dashed against the claimant's moped, resulting in the claimant sustaining grievous injuries on various parts of his body. Due to the severity of the injuries, the claimant lost vision in one eye, which ultimately resulted in permanent disability.

7. Learned counsel for the Insurance Company has vehemently argued that the learned Claims Tribunal committed grave illegality in fastening liability upon the insurer. The primary contention

raised is that the offending vehicle has been falsely implicated and illegally planted in the case solely for the purpose of obtaining compensation, particularly because the FIR was lodged after a considerable delay. It has also been contended that the Tribunal erred in relying upon the disability certificate without examining the doctor or any member of the Medical Board, and further that the income of the claimant was wrongly assessed by including overtime and other allowances.

8. Upon careful examination of the record, this Court finds no merit in the submission that the offending vehicle was falsely implicated. The mere assertion that the vehicle was planted is not sufficient to dislodge the otherwise consistent and reliable evidence adduced by the claimant. It is well settled that allegations of false implication must be proved by cogent and convincing evidence. In the present case, the Insurance Company has failed to produce any oral or documentary evidence to establish that the accident did not occur in the manner alleged or that the involvement of the offending truck was doubtful. So far as the delay in lodging the FIR is concerned, it is to be noted that the claimant sustained serious injuries and had to undergo prolonged medical treatment. In motor accident cases, delay in lodging the FIR is not uncommon and cannot, by itself, be a ground to doubt the genuineness of the accident, particularly when the occurrence of the accident, involvement of the offending vehicle, and negligence

of its driver are otherwise proved by the evidence on record. Unless the delay is shown to have caused serious prejudice or is accompanied by suspicious circumstances duly proved by evidence, such delay cannot defeat a genuine claim. In the present case, no such evidence has been led by the Insurance Company.

9. The plea of contributory negligence raised by the Insurance Company is equally untenable. There is absolutely no material on record to indicate that the claimant was negligent in any manner. The finding of rash and negligent driving recorded by the Tribunal is based on proper appreciation of evidence and does not suffer from any perversity warranting interference by this Court. With regard to the objection relating to disability, from perusal of Ex. A-28, the medical certificate issued by the District Medical Board, Ambikapur, it is clearly established that the claimant has suffered 50% permanent disability. The medical record further reveals that the claimant's eye was operated upon and subsequently removed, which is evident from Ex. A/4. Consequently, the issuance of the disability certificate as Ex. A/28 cannot be faulted with. Merely because the doctor or a member of the Medical Board was not examined, the disability certificate, issued by a statutory Medical Board, cannot be discarded, particularly when the injuries and resultant disability stand corroborated by other medical documents on record.

10. It is significant to note that the learned Claims Tribunal has adopted a cautious approach and has assessed the loss of earning capacity on the basis of 30% functional disability, despite the medical disability being assessed at 50%. The Tribunal has further deducted 20% towards income tax and thereafter considered future prospects, ultimately awarding a sum of Rs. 16,61,257/-. This assessment cannot be said to be excessive or contrary to settled principles of law. The submissions advanced by the Insurance Company regarding application of split multiplier, exclusion of allowances, and alleged excess compensation do not inspire confidence. The Tribunal has assessed the income and applied the multiplier in accordance with the facts and circumstances of the case and the settled legal position. The grounds urged for reduction of compensation are neither supported by evidence nor by law.

11. In view of the foregoing analysis, this Court is of the considered opinion that the grounds raised by the Insurance Company are devoid of merit, and no case for interference with the impugned award is made out. Accordingly, M.A.C. No. 1459 of 2018 filed by the Insurance Company is hereby **dismissed**.

12. Turning to the appeal preferred by the claimant, this Court finds substance in the contention that the compensation awarded under certain heads is inadequate and does not reflect just and reasonable compensation as envisaged under the Motor Vehicles

Act. Although the Tribunal has correctly assessed the income, disability, and loss of future earning capacity, it has awarded a sum of only Rs. 10,000/- towards pain and suffering. Considering the nature of injuries sustained by the claimant, the permanent loss of vision in one eye, prolonged treatment, mental agony, and lifelong impact on quality of life, the amount awarded under this head is wholly inadequate and meagre. Pain and suffering is a significant non-pecuniary head, especially in cases involving permanent disability. The claimant has not only undergone physical pain but also mental trauma and emotional distress due to loss of vision and diminished functional capacity. In the considered opinion of this Court, a sum of Rs. 1,00,000/- would be just, fair, and reasonable compensation towards pain and suffering.

13. It is further noticed that the Tribunal has not awarded any amount towards future medical treatment. Though the claimant has not specifically claimed compensation under this head, the Court cannot lose sight of the fact that the injuries sustained are serious and permanent in nature. The claimant has lost one eye and may require future medical care, follow-up treatment, or supportive medical assistance. In such circumstances, this Court deems it appropriate to award a sum of Rs. 1,00,000/- towards future medical treatment, in order to meet the ends of justice.

14. The appeal filed by the claimant (M.A.C. No. 920 of 2018) is partly allowed. The claimant shall be entitled to an additional compensation of Rs. 1,90,000/-, over and above the amount awarded by the Tribunal. The enhanced compensation shall carry interest at the same rate as awarded by the Tribunal (6% p.a.) from the date of claim petition till realization. Rest of the terms and conditions of the Tribunal's award remain intact.

15. The impugned award dated 11.05.2018 stands modified to the aforesaid extent.

No order as to costs.

Sd/-

(**Amitendra Kishore Prasad**)
JUDGE

Shayna