



2026:CGHC:13576

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1152 of 2022

Jitendra @ Jitendar Singh S/o Dudhnath Singh aged about 43 years, Resident of Sector -1, Ward No. 7, Vishwa Bank Colony, Police Station Purani Bhilai, Tahsil and District Durg Chhattisgarh. **...Appellant/claimant**

versus

1. Ramakant Kosle S/o Bhagwat Prasad aged about 33 years, Resident Of Kunda Para, Gandhi Nagar, Near Kashi Kirana Stores, Bhilai-3, Police Station Bhilai-3, Tahsil And District Durg Chhattisgarh. (Driver Of Offending Vehicle CG-07, LJ-6559)
2. Smt. Jahida Begam W/o Late Ali Akbar aged about 55 Years Resident Of Gandhi Nagar, Bhilai-3, Tahsil And District Durg Chhattisgarh. (Owner Of Offending Vehicle CG-07, LJ-6559),
- 3 - National Insurance Company Limited, Through Branch Manager, Bhutan Complex, GE Road, Power House Road, Bhilai, Police Station Chhawani, District Durg Chhattisgarh. (Insurer Of Offending Vehicle CG-07, LJ-6559)

... Respondents

For Appellant	:	Shri Praveen Dhurandhar, Advocate
For Respondent No.3	:	Shri Praveen Tulsyan, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board dated 20.03.2026

This is an injury case for compensation to the appellant/claimant.

2. This appeal arises out of the award dated 12.05.2022 passed by the Additional Motor Accident Claims Tribunal, (for short the "Tribunal") Durg, District Durg in Claim Case No. 215/2018 awarding a compensation of Rs. 03,68,500/- in favour of the appellant/claimant.

3. Facts of the case in brief are that on 17.09.2017 at about 7.30 and 8.00 PM the appellant/injured was going to his house on his two wheeler Activa bearing registration No. CG-07-AP-7622 Nawagaon and when he reached near Sisra Gate Chowk, the offending vehicle – another two wheeler bearing registration No. CG-07-LJ-6559 ridden rashly and negligently respondent No.1 came and dashed him. This dashing caused injuries on the leg, chest and ribs of the appellant/claimant including fracture on his forehead. He remained admitted in the Government Hospital, Supela from 17.09.2017 to 03.10.2017 and also underwent surgery. The appellant/claimant is also stated to have lost his vision in the accident. Criminal case for the offence under Section 279, 337 and 338 IPC was registered against the rider of the offending vehicle.

4. With aforesaid facts, a claim petition was filed by the appellant/claimant seeking compensation of Rs. 15,80,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

5. After evaluating the evidence available on record, the Tribunal awarded Rs. 03,68,500/- to the appellant/claimant as compensation as a whole and it is this award which is under challenge in this appeal.

6. Counsel for the appellants submits that the assessment of the income of the deceased is on the lower side and needs enhancement. He submits that disability to the extent of 10% has wrongly been assessed which should have been to the extent of 30%. He submits that the monthly income has also been wrongly assessed which looking to the minimum wages prevailing at the relevant time should have been

taken as Rs. 8,500/-. He submits that the compensation awarded, looking to the job of fitter which he was performing in a factory, and also considering the injury on his eye affecting his vision, is on the lower side, and therefore is required to be enhanced.

7. On the other hand, counsel for the respondent No.3/Insurance Company supports the award impugned and submits that the compensation awarded on all the heads is fully justified and the claimant is not entitled for any further enhancement in same.

8. Heard counsel for the parties and perused the documents on record.

9. As the appellant/claimant was fitter by profession engaged in a factory, the monthly income taken by the Tribunal as Rs. 6,000/- seems to be quite on the lower side, which looking to minimum wages prevailing at that time is enhanced to Rs. 8,500/-. After adding 25% towards future prospects the monthly income rises to Rs. 10,625/- (8,500 + 2,125) and annual being Rs. 1,27,500/-. Looking to the fact that the appellant/claimant was a fitter and suffered injury in his eye, the functional disability taken by the Tribunal to be 10% appears to be quite inadequate, and accordingly the same is hereby replaced by 15%. Doing so, the loss of future annual income is computed at Rs. 19,125/-, and looking to the age of the claimant/appellant i.e. 43 years, the multiplier of 14 applied by the Tribunal is fully justified, which raises the total loss of future income to Rs. 2,67,750/-. This apart, the appellant/claimant would also be entitled to Rs. 15,000/- towards pain and suffering, Rs. 20,000/- for nutrition diet; transportation; and attendant cumulatively, Rs. 25,500/- for loss of income during treatment. The amount of Rs. 2,00,000/- awarded by the Tribunal for hospital expenses is hereby maintained. Having thus weighed the material on record as stated above and kept in view the decision of the Supreme Court in the matter of **Raj Kumar v. Ajay Kumar** reported in **(2011) 1 SCC 343** the compensation for which the appellant/claimant is entitled to is worked out at Rs. 5,28,250/-. Deducting the compensation already awarded i.e. Rs. 03,68,500/-, the

enhanced compensation for which the appellant/claimant is entitled to comes to **Rs. 1,59,750/-** which would carry interest at the rate of Rs. 6% per annum from the date of appeal. On this amount being deposited, 75% of the same shall be invested in a nationalised Bank for a period of two years, and the remaining shall be disbursed to the appellant/claimant.

10. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi