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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1911 of 2019**

1 - Omprakash Alias Omkar Chandrawanshi S/o Paltanram Chandrawanshi Aged About 44 Years R/o Village Latmeta, Tehsil Dongargaon, District Rajnandgaon Chhattisgarh.....Claimant,
... Appellant

versus

1 - Vinod Soni Alias Munna S/o Kaurchand Soni Aged About 43 Years R/o Village Iragaon, Post Gadegaon, P.S. Manpur, District Rajnandgaon Chhattisgarh.....Non-Applicant No. 1,

2 - Amit Kumar Gond, S/o Kirtan Lal Gond, Aged About 24 Years R/o Village Bharritola, Tehsil Manpur, District Rajnandgaon Chhattisgarh.....Non-Applicant No. 2,

3 - United India Insurance Company Limited Through Its Branch Manager Branch- Gurudwara Road, Tehsil And District Durg Chhattisgarh. (Insurance Company Of Offending Vehicle).....Non-Applicant No. 3, District : Durg, Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Gopal Swaroop Gupta, Advocate.
For Respondents No.1 & 2	:	Mr. Navin Shukla, Advocate.
For Respondent No.3	:	Mr. Dashrath Gupta, Advocate.

(Single Bench)**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****04/05/2026**



1. The appellant/claimant has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act, 1988') calling in question the legality, validity and correctness of the award dated 25.6.2019 passed by the Motor Accident Claims Tribunal, Rajnandgaon (for short 'the Claims Tribunal') in Claim Case No.49/2018 by which liability to pay compensation of Rs.1,76,700/- has been fastened on the Insurance Company. In the present Appeal, the appellant/claimant has prayed for enhancement of the compensation amount.
2. Mr. Gopal Swaroop Gupta, learned counsel for the appellant /claimant would submit that the Claims Tribunal was not justified in awarding meagre amount of compensation of Rs.1,76,700/- inasmuch as in the accident, left thigh of the appellant was fractured and the bone below the knee was also fractured because of which the appellant has suffered 45% disability. As such, the impugned award may be modified accordingly.
3. On the other hand, learned counsel for the respondents would support the impugned award.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. After hearing learned counsel for the parties and after going through the record, this Court is of the opinion that just and proper compensation has not been awarded by the Claims Tribunal.



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However, considering the nature of disability suffered by the appellant, which was proved by Dr. Rajesh Sadani, (AW-2), it would be appropriate to award Rs.1,25,000/- more with interest @ 6%. Accordingly, the claimant is held to be entitled to an additional amount of Rs.1,25,000/-. The Insurance Company is directed to deposit the amount of compensation within a period of 30 days from the date of receipt of a copy of this order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

6. With the aforesaid modifications, the Appeal is disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge