



2026:CGHC:19116



2026:CGHC:19116

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2066 of 2019

Harsh Kumar S/o Late Chaitu Ram Banjare Aged About 17 Years (Now Aged About 18 Years), R/o Village And Post Selud, Police Station Utai, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

... **Appellant**

Versus

1 - Sukhram Bisnoi S/o Mohna Ram Bisnoi Aged About 31 Years R/o Village And Post Palli, Police Station Mathoda, Tahsil Oshiya, District Jodhpur (Rajasthan), At Present C/o Chhanga Lal Sahu, R/o Village Dumardih, Police Station Utai, District - Durg, Chhattisgarh.

2 - Birbal Ram S/o Malaram Minor, R/o, Karnipura, Post Padimal, Police Station Falaudi, District Jodhpur, Rajasthan., District : Jodhpur, Rajasthan

3 - The Oreintal Insurance Company Limited Through Manager, Shivnath Complex, G.E. Road, Supela, Bhilai, District Durg, Chhattisgarh. (Insurer), District : Durg, Chhattisgarh

... **Respondents**

[Cause-title taken from Case Information System (CIS)]

For Appellants	:	Mr. Praveen K. Dhurandhar, Advocate
For Respondent No.3	:	Mrs. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

(Order on Board)

25.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant seeking enhancement of amount of compensation, challenging the impugned award dt. 17.05.2019, whereby learned Claims Tribunal has awarded a



total sum of Rs.17,000/- as compensation to the claimant/appellant.

2. Learned counsel for the appellant would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. The amount awarded on the heads of pain and suffering, diet and assistance are on much lower side, whereas no amount on the heads of transportation, future treatment and loss of amenities have been awarded. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for the respondent-Insurance Company would submit that the Tribunal is justified in awarded the compensation to the appellant under the facts and circumstances of the present case. The amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.

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. In the case at hand, learned Claims Tribunal has only awarded a sum of Rs.17,000/- to the appellant/claimant for the injuries sustained by him in an accident took place on 17.12.2016 and, in which, no amount on the heads of transportation, future treatment and loss of amenities have been awarded and, even, amounts awarded on the heads of pain and suffering, diet and assistance are on much lower side. As such, in the considered opinion of this Court, the amount of



compensation awarded by the claims tribunal needs to be enhanced suitably.

6. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹**, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors²** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Loss of earning	Nil	Nil
2.	Loss during treatment	Nil	Nil.
3.	Medical Bills	Rs.5,000/-	Rs.5,000/-
4.	Pain and suffering and healthy diet	Rs.10,000/-	Rs.35,000/-
5.	Assistance	Rs.1800/-	Rs.10,000/-
6.	Transportation	NIL	Rs.10,000/-
7.	Future Treatment	NIL	Rs.10,000/-
8.	Loss of amenities	NIL	Rs.10,000/-
	Total	Rs.17,000/- (round up)	Rs.80,000/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.17,000/- awarded by the Claims Tribunal is enhanced to Rs.80,000/-. Hence, after deducting the amount of Rs.17,000/-, the appellants are held entitled for an additional amount of **Rs.63,000/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 9% *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.

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

sd/-
(Sanjay K. Agrawal)
Judge

s@if