



2026:CGHC:19111

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2035 of 2019

1 - Deepak Thapa S/o Rajbahadur Thapa Aged About 22 Years R/o P/s ,
7th Batallian Bhilai, P.S. Supela Tahsil And District Durg Chhattisgarh.,
District : Durg, Chhattisgarh

... Appellant

versus

1 - Rahul Makhija S/o Ramchandra Makhija Aged About 32 Years R/o
Baba Deep Nagar , Ward No 09, Near Sindhu Bhawan, Vaishali Nagar, P.S.
Supela , Tehsil And District Durg Chhattisgarh.(Driver Of Vehicle No. Cg-
07/bh- 9200), District : Durg, Chhattisgarh

2 - Director Kripal Udyog , Plot No. 12/d. Hia (Heavy Industrial Area),
Bhilai, Tahsil And District Durg Chhattigarh (Owner Of Vehicle No.
Cg-07/bh-9200), District : Durg, Chhattisgarh

3 - Branch Manager National Insurance Company Limited , Branch - 1,
Bhutani Complex , G.E. Road . Power House Bhiali , Tahsil And District
Durg Chhattisgarh.(Insurer Of Vehicle No. Cg-07/bh-9200), District : Durg,
Chhattisgarh

... Respondent(s)

For Appellant : Mr. Praveen Dhurandhar, Advocate
For Respondent No. 3 : Ms. Prerna Agrawal on behalf of Mr. Sudhir
Agrawal, Advocates

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

25.04.2026

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 25/09/2019 (Annexure A/1) passed by learned 3rd Additional Motor Accident Claims Tribunal, Durg in Claim Case No. 260/2018 seeking enhancement of compensation awarded by the Claims Tribunal for the injuries suffered by him.
2. Learned counsel for the appellants/claimants would submit that on account of the accident, the appellant/injured suffered 17% permanent disability vide Ex. P/76 which was proved by Dr. S.D. Bhupendra (P.W.-2), however, the Claims Tribunal has assessed the permanent disability as 10% and moreover, the Tribunal has not assessed loss of earning but it ought to have been assessed taking the monthly income of the appellant as Rs. 8,320/- as per the minimum wage notification at the time of the accident.

Therefore, the amount of compensation awarded by the Claims Tribunal 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 loss of earning of the appellant which ought to have been assessed by taking the monthly income of the appellant as per the minimum wage notification prevailing at the time of the accident. As such, considering the nature and gravity of the injuries suffered by the appellant as well as the expenses incurred by him on treatment and other heads, this Court is calculating the compensation as stated below :-

Heads of Compensation	Compensation awarded by the Tribunal	Compensation awarded by this Court
Loss of earning	NIL	Rs. 8,320/- + 40% (future prospect) = Rs. 11,648/- x 12 =

		Rs. 1,39,776/- x 18 = Rs. 25,15,968/- x 5% = Rs. 1,25,798/-
Loss during treatment	NIL	Rs. 8,320/- (1 month)
Pain and suffering	Rs. 10,000/-	Rs. 25,000/-
Assistance	Rs. 5,000/-	Rs. 10,000/-
Healthy Diet	Rs. 5,000/-	Rs. 10,000/-
Loss of Amenities	Rs. 5,000/-	Rs. 10,000/-
Transportation	NIL	Rs. 5,000/-
Future Treatment	NIL	Rs. 10,000/-
Medical Bills	Rs. 38,768/-	Rs. 38,768/-
Total	Rs. 63,768/-	Rs. 2,42,886/-

7. In view of the aforesaid analysis, the amount of compensation of Rs. 63,768/- awarded by the Claims Tribunal is enhanced to Rs. 2,42,886/-. Hence, the appellant/claimant is held entitled for an additional compensation of **Rs. 1,79,118/-**. 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 @ 9% *per annum* from the date of filing of claim application before the Tribunal i.e. 11/05/2018 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

Harneet