2026:CGHC:20725

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2282 of 2024

Roopram Bhardwaj S/o Samaru Ram Bhardwaj, Aged About 44 Years R/o Village-Salihabhantha, Police Station-Urga, Tehsil-Kartala, District-Korba (C.G.) ------(Claimant)

... Appellant

versus

1 - Nakul Patel S/o Samar Patel, Aged About 47 Years R/o Village-Sumedha, Police Station-Bankimongra, Tehsil- Katghora, District-Korba (C.G.) ------(Driver Of Pump Truck No. C.G. 12/AZ/6384)

2 - Indian Oil Corporation Limited, By Proprietor Ajay Gatlewar R/o Bulk Explosives, , Auxiliary Plant (Explosive Plant), Post Office-Kusmunda, Tehsil-Katghora, District-Korba (C.G.) ------(Owner Of Pump Truck No. C.G.- 12/AZ-6384)

3 - Divisional Manager, United India Insurance Company Limited, Address-Station Road, Sitamani, Tehsil And District-Korba (C.G.) ------(Insurer Of Pump Truck No. C.G.12/AZ/6384)

... Respondents

{Cause title is taken from CIS}

For Appellant	:	Ms. Priya Kaiwart & Mr. Prashant Sahu, Advocate.
For Respondent No. 1 For Respondent No. 2	:	Mr. Munendra Kumar Sharma, Advocate.
For Respondent No. 3	:	Mr. Anand Shukla, Advocate.
	:	Mr. Praveer Sahu, Advocate

(Hon'ble Mr. Justice Sachin Singh Rajput}

Order on Board

04/05/2026

1. The appellant/claimant has invoked jurisdiction of this Court under Section 173 of the Motor Vehicles Act, 1988 (for brevity, 'MV Act, 1988') for seeking enhancement of the compensation awarded in his favour by the Third Upper Motor Accident Claims Tribunal, Korba (C.G.) in Claim Case No. 39 of 2022.

2. Appellant/claimant filed an application under Section 166 of the MV Act, 1988 seeking compensation on account of the injuries / permanent disablement caused to him in a motor accident due to rash & negligent driving of Truck bearing registration No. C.G.-12-A.Z.-6384 driven by respondent No. 1, owned by respondent No. 2 and insured with respondent No. 3/Insurance Company. It is further pleaded that appellant was aged about 44 years and his monthly income is Rs.30,000/- being driver of his own Auto Rickshaw bearing registration No. C.G.-12-B.A.-2614. Thus, on account of the said accident, appellant's right thigh was amputated from the lower third part whereas his left leg below knee from the upper third part making him permanent disabled to the extent of 100%.

3. The claim application was resisted by the respective respondents on various counts including Insurance Company taking a plea of violation of terms & conditions of the Insurance Policy.

4. The Tribunal has framed as many as five issues and on assessment of the evidence available on record, decided the same in favour of the appellant/claimant and awarded aforesaid compensation in his favour.

5. Learned counsel appearing for the appellant/claimant submits that the appellant has his own auto rickshaw and by driving the same, he used to earn No. 30,000/- per month, but the Tribunal has assessed monthly income of the appellant only to Rs. 10,970/- for computation compensation, which is shockingly on lower side, as the Tribunal itself has assessed that the appellant has suffered permanent disability to the extent of 100 % in the said accident, thus, it requires suitable enhancement. Apart from this, on other conventional heads, very meager amount has been awarded by the Claims

Tribunal, which also deserve to be enhanced suitably looking to the permanent disablement suffered by the appellant/claimant in the said accident.

6. Per contra, learned counsel for the respective respondents while supporting the impugned award submits that just and proper compensation has been awarded by the Claims Tribunal and in absence of any documentary proof with regard to income of the deceased, the Tribunal has rightly assessed the monthly income of the appellant as Rs. 10,970/-. He submits that the amount of compensation awarded on other conventional heads is also just & proper, thus, there is no scope of enhancement of compensation awarded by the Claims Tribunal. As such, the appeal deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the material available on record.

8. After assessment of the evidence available on record, learned Claims Tribunal has awarded the aforesaid compensation in the following manner:-

Sr. No.	Head	Amount of compensation
1.	For Medical expenses	Rs.12,266.75/-
2.	For Transportation	Rs.25,000/-
3.	For Assistance	Rs.30,000/-
4.	For future treatment	Rs.10,000/-
5.	For Nutritious Food	Rs.25,000/-
6.	For Financial Loss	Rs.23,03,700/-
7.	For physical, mental suffering and miscellaneous expenses	Rs.1,00,000/-
	Total compensation amount	**Rs.25,05,966.75/-**

9. From the perusal of record, particularly, the disability certificate (Ex. P-46), it reveals that on account of the said accident, unfortunate appellant/claimant lost his both the legs, such as, his right thigh was amputated from the lower third part whereas his left leg below knee from the upper third part. Thus, in the opinion of this Court, the Claims Tribunal has rightly assessed the functional disability of the appellant/claimant to the extent of 100%. From the perusal of record, it also reflects that he appellant, who was 44 years of age at the time time of accident, owned his own auto-rickshaw from which he earned ₹30,000 per month by driving the same at District Korba, which is quite a big town of State of Chhattisgarh. Thus, taking into consideration the evidence available on record, nature of profession, age of the appellant/claimant on the date of accident, place of his profession; this Court can safely assess the income of the appellant as Rs. 15,000/- per month for the purpose of computation of compensation.

10. For the foregoing discussions, I find it appropriate to re-compute the amount of compensation as under:-

S. N.	**Heads**		**Compensation**
1.	**(A) Income of the appellant/claimant is Rs. 15,000/- per month i.e. Rs. 1,80,000/- per annum** **(B) Addition towards future prospects @ 25% (1,80,000 x 25% =45,000)** **1,80,000+ 45,000 = 2,25,000/-** **(C) Multiplier of 14** **2,25,000/- x 14 = Rs.31,50,000/-**	**:**	**Rs. 31,50,000/-**
2.	**For Medical expenses**	**:**	**(+) Rs. 15,000/-**

3.	**For Transportation**	**:**	**(+) Rs. 25,000/-**
4.	**For Future treatment**	**:**	**(+) Rs. 25,000/-**
5.	**For Nutritious food**	**:**	**(+) Rs. 25,000/-**
6.	**For pain and suffering**	**:**	**(+) Rs. 1,00,000/-**
7.	**For Enjoyment of life**	**:**	**(+) Rs. 1,00,000/-**
	Total	**:**	**Rs. 34,90,000/-**

11. Now the appellant/claimant is awarded total compensation of **Rs. 34,90,000/-** instead of Rs.25,05,967/-/- as awarded by the Claims Tribunal. As such, the appellant /claimant is entitled for a further sum of Rs. 9,84,033/- over and above the amount of Rs. 25,05,967/- awarded by the Tribunal.

12. The above enhanced amount of compensation of Rs. 9,84,033/- shall carry interest @ 6 percent per annum from the date of filing of appeal i.e. 22.11.2024. The award stands modified to the above extent.

13. The respondent No. 3 / Insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from today before the concerned Claims Tribunal. On such deposit being made, fixed deposit of 80% of the awarded amount for a period of two years shall be made in the name of appellant and remaining amount shall be disbursed to the appellant

14. Consequently, the appeal is partly allowed.

Sd/-

(Sachin Sigh Rajput)

Judge

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