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2026:CGHC:38933

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 114 of 2023

1 - Gulsher Khan @ Gulsher Ali, (Chintu) S/o Shri Umed Khan Aged About 28 Years R/o Beech Para, Chilhati, Police Station Sarkanda District Bilaspur (C.G.).....(Claimant) ... Appellant

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versus

1 - Mukesh Kumar Yadav S/o Jagdish Prasad Yadav Aged About 29 Years R/o Village Matiyari, Police Station Seepat, District Bilaspur (C.G.)..... (Driver Of Offending Vehicle Hywa No. C.G.10 AE- 8109)

2 - Smt. Urmila Agrahari W/o Shri Rakesh Agrahari Aged About 40 Years R/o Ward No.1, Village Matiyari, Janji, Police Station Seepat, District Bilaspur (C.G.).....(Owner Of Offending Vehicle Hywa No. C.G.10 AE- 8109)

3 - United India Insurance Company Limited Through The Branch Manager, United India Insurance Limited, L.I.C. Building, 1st Floor, Magar Para Road, Bilaspur, Tahsil And District Bilaspur (C.G.).....(Insurer Of Offending Vehicle Hywa No. C.G.10 AE- 8109)

Respondents

For Appellant	: Shri Keshav Dewangan, Advocate.
For Respondents No.1 & 2	: Shri Prashant Gupta, Advocate.
For Respondent No.3	: Shri Anil Gulati, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment On Board****02.09.2026**

1. The Claimant has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act, 1988') questioning the legality and propriety of the award dated 05.11.2022 passed by the learned Eighth Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) (hereinafter referred to as 'the Tribunal') in Claim Case No.970/2021, whereby the learned Tribunal has allowed the claim in part by awarding a sum of Rs.1,12,130/- with 9% interest per annum from the date of filing of the claim petition till the date of actual payment.
2. Briefly stated the facts of the case are that on 01.11.2018, the appellant -Gulsher was travelling towards his home at Chilhati on motorcycle bearing registration No. CG-10/AF-3684 along with his friend Taresh Yadav. At about 10:30 p.m., near the mosque at Chilhati, Taresh had stopped the motorcycle to drop the appellant when Respondent No.1, namely, Mukesh Kumar Yadav, was driving a heavy vehicle at a high speed in a rash and negligent manner on the wrong side of the road and came from the opposite direction and hit the appellant, his friend and the motorcycle. After the accident, the offending vehicle fled from the spot. As a result of which, Taresh Yadav died on the spot, while the appellant sustained multiple injuries, including loss/fracture of several teeth and fracture of two fingers of his left hand, and became unconscious, giving rise to the filing of the claim petition under Section 166 of the Act, 1988 by the Claimant, and, thus, claimed total amount of compensation to the tune of Rs.5,70,000/- under various heads.

3. Being aggrieved, the Claimant has preferred this appeal. Shri Keshav Dewangan, learned counsel appearing for the Appellant submits that the appellant sustained fracture injuries to two fingers of his left hand in the accident and remained admitted in the hospital for about seven days. It is contended further that the learned Tribunal has not awarded adequate compensation towards loss of income during treatment, attendant charges, conveyance, nutritious food, physical and mental pain and suffering, and medical expenses. As per the claim made by the appellant, a total amount of Rs.1,12,130/- was claimed under these heads, comprising Rs.33,600/- towards loss of income during treatment, Rs.10,000/- towards attendant charges, Rs.5,000/- towards conveyance, Rs.5,000/- towards nutritious food, Rs.10,000/- towards physical and mental pain and Rs.58,530/- towards medical expenses. It is contended further that while determining the amount of compensation, the Tribunal ought to have awarded just and fair compensation to the Claimant.
4. On the other hand, learned counsel for Respondent No.3/Insurance Company submits that the learned Claims Tribunal, after appreciating the oral and documentary evidence on record, has rightly awarded the compensation. It is argued further that the appellant suffered fracture of only two fingers of the left hand and was hospitalized for about seven days. There is no material on record to establish any grievous or permanent disabling injury, permanent functional disability, loss of earning capacity or any other serious consequence warranting enhancement of compensation. Hence, the compensation awarded by the Tribunal is just and proper and calls for no interference.
5. I have heard learned counsel for the parties, considered their rival

submissions made herein-above and have perused the record with utmost circumspection.

6. The Claims Tribunal, after appreciation of the oral and documentary evidence available on record, found that the appellant sustained fracture injuries to two fingers of his left hand and remained hospitalized for seven days. No sufficient material has been brought on record to establish any permanent functional disability or grievous consequence arising out of the injuries. The Tribunal has awarded a total sum of Rs. 1,12,130/-, which in the considered opinion of this Court is just and proper and warrants no interference.
7. In view of the above discussion, I do not find any illegality or infirmity in the impugned award passed by the learned Claims Tribunal. The appeal, being devoid of merit, is hereby **dismissed**.

Sd/-

(Sanjay Kumar Jaiswal)
Judge