



CGHC010230812018



2026:CGHC:29614

**NAFR**

## **HIGH COURT OF CHHATTISGARH AT BILASPUR**

### **MAC No. 1382 of 2018**

Branch Manager, Shriram General Insurance Company Limited Through 4th Floor, Maruti Heights, Mahoba Bazar, Raipur, Chhattisgarh. ....Insurer Of Vehicle Swaraj Mazda Bearing No. C. G./28/c/0143, District : Raipur, Chhattisgarh  
**--- Appellant(s)**

**versus**

- 1** - Smt. Jugari Bai W/o W/o Makhanjlal Satnami Aged About 40 Years R/o Village Risda, Post Risda, Tahsil And Thana Masturi, District Bilaspur, Chhattisgarh. ....Claimants., District : Bilaspur, Chhattisgarh
- 2** - Sandeep Kumar S/o S/o Sukhram Dhruw Aged About 26 Years R/o Champa, Thana Champa, District Janjgir Champa, Chhattisgarh. ....Driver Of Vehicle Swaraj Mazda Bearing No. C. G./28/c/0143, District : Janjgir-Champa, Chhattisgarh
- 3** - Ghanshyam Singh S/o S/o Indra Kumar Thakur R/o Village Bortakala, Tahsil Lormi, District Mungeli, Chhattisgarh. Another Address- Indra Kumar Thakur, Ward No. 3, Near Saroj Kirana, Mannadol, Tifra Bilaspur, Chhattisgarh. ....Owner Of Vehicle Swaraj Mazda Bearing No. C. G. /28/c/0143, District : Bilaspur, Chhattisgarh  
**--- Respondent(s)**

### **MAC No. 338 of 2019**

Smt. Jugari Bai W/o Makhan Lal Satnami Aged About 40 Years R/o Village - Risda, Tahsil And Thana Masturi, District Bilaspur Chhattisgarh. (Claimant), District : Bilaspur, Chhattisgarh  
**---Petitioner(s)**

**Versus**

**1** - Sandeep Kumar S/o Suhiram Dhruw Aged About 26 Years R/o Champa Thana Champa District Janjgir Champa Chhattisgarh. (Driver Of The Offending Vehicle Sawaraj Majada Bearing Registration No. C.G. 28/c./0143). (Driver), District : Janjgir-Champa, Chhattisgarh

**2** - Ghanshyam Singh S/o Indra Kumar Thakur R/o Village - Bortarkala, Tahsil Lormi, District Mungeli, Chhattisgarh. Possible - Address Indra Kumar Thakur, Ward No. 3, Near Saroj Kirana Mannadol Tifra, Bilaspur Chhattisgarh. (Owner Of The Offending Vehicle Sawaraj Majada Bearing Registration No. C.G.28/c./0143). (Owner), District : Bilaspur, Chhattisgarh

**3** - Branch Manager Shri Ram General Insurance Company Limited, Through 4th Floor Maruti Heights G.E. Road, Raipur District Raipur Chhattisgarh. (Insurer Of The Offending Vehicle Sawaraj Majada Bearing Registration No. C.G. 28/c./0143). (Insurer), District : Raipur, Chhattisgarh

--- Respondent(s)

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| For Appellant-Insurance Company | : | Mr. Utsav Mahiswar, Advocate |
| For Appellant-Claimants         | : | Mr. A.L. Singroul, Advocate  |

**Hon'ble Shri Sanjay K. Agrawal, Judge**  
**Order on Board**

**14.07.2026**

1. Since both these appeals are arising out of common impugned order, they have been clubbed together, heard together and are being disposed by this common judgment.
2. The claimants as well as the insurance company both have preferred these two appeals under Section under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") against the impugned award dated 25.04.2018 in Claim Case No. 561/2016 passed by the Additional Motor Accident Claims Tribunal, Bilaspur, Chhattisgarh (for brevity "AMACT"). Claimants in their appeal i.e. MAC No. 338/2019 are seeking enhancement of award and whereas the insurance company in its appeal i.e. MAC No. 1382/2018 is seeking reduction in the amount of award granted by the AMACT.
3. Learned counsel for the appellant submits that the Claims Tribunal erred in assessing income of the deceased Rs. 5000/- per month (for

four month) which should be Rs. 6,000/- per month (for six months) as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Moreover, the Claims Tribunal has erred in awarding the less compensation under the heads of pain and suffering, and attendant less amount has been awarded by the Claims Tribunal which is liable to be enhanced and even under the heads of transportation expenses, special diet, loss of amenities & enjoyment compensation has not been awarded by the Claims Tribunal which is liable to be awarded.

4. learned counsel for the insurance company, would submit that the compensation awarded to the claimants by the impugned award dated 25.04.2018 is on higher side, therefore, appeal filed on behalf of the claimants deserves to be dismissed while making deduction in the compensation awarded by the Claims Tribunal.
5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records with utmost circumspection.
6. So far as the appeal preferred by the respondent- Insurance Company is concerned, no valid or substantial ground has been made out warranting interference with the award passed by the learned Claims Tribunal. On the contrary, for the reasons recorded hereinabove, this Court is of the considered opinion that the compensation awarded to the claimant deserves enhancement.
7. So far as the appeal preferred by the appellant/claimant is concerned, the learned Claims Tribunal assessed the claimant's monthly income at Rs.5,000/- and awarded compensation towards loss of earning for a period of four months. However, in the opinion of this Court, having regard to the Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh, the monthly income of the claimant ought to have been assessed at Rs.6,000/-. Considering the nature of injuries sustained by the claimant, the period of loss of earning is also liable to be taken as six months. Accordingly, the claimant is

entitled to Rs.36,000/- (Rs.6,000 × 6 months) towards loss of earning. Further, the compensation awarded under the heads of pain and suffering and attendant charges deserves enhancement. The claimant is also entitled to compensation under the heads of transportation expenses, special diet, and loss of amenities, which have not been adequately awarded by the learned Claims Tribunal.

8. 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 Sethi<sup>1</sup>, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors<sup>2</sup>** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors.<sup>3</sup>**, this Court is computing the compensation as below:-

| Sr. No | Heads                             | Compensation awarded by the Tribunal | Compensation awarded by this Court |
|--------|-----------------------------------|--------------------------------------|------------------------------------|
| 1.     | Income for loss of Future earning | 5000x4=20000 (for four months)       | 6000x6= 36,000/-                   |
| 2.     | Medical Expenses                  | 3,14,000                             | 3,14,000                           |
| 3.     | Pain and suffering                | 5000                                 | 25,000/-                           |
| 4.     | Attendant                         | 5000                                 | 10,000                             |
| 5.     | Special Diet                      | NIL                                  | 5000                               |
| 6.     | Transporting Ex-penses            | NIL                                  | 2000                               |
| 7.     | Amenities                         | NIL                                  | 5000                               |
| 8.     | Loss of Grievous Injury           | NIL                                  | 10000                              |
| 9.     | Loss of future medi-cal expenses  | NIL                                  | 20000                              |
|        | Total                             | 3,44,400/-                           | 4,27,000/-                         |

9. In view of the aforesaid analysis, the amount of compensation of Rs. **3,44,400/-** awarded by the Claims Tribunal is enhanced to Rs. **4,27,000/-**. Hence, after deducting the amount of Rs. **3,44,400/-**, the appellant/claimants is held to be entitled to an additional amount of Rs.

1(2017) 16 SCC 680  
2 (2009) 6 SCC 121  
3(2018) 18 SCC 130

**82600/-**. The concerned respondent No. 3 -Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of 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.

**10.**Accordingly, the appeal of the claimant i.e. MAC No.338/2019 is **allowed in part** and the impugned award is modified to the extent as indicated herein-above. The appeal of the Insurance company i.e. MAC No.1382/2018 is **dismissed** finding no merits.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**