



CGHC010084982023



2026:CGHC:44405

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Date: 2026.10.15
17:58:04 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 428 of 2023**

Smt. Chandrika @ Vishakha Bai Taram W/o Latkhor Taram Aged About 32 Years R/o Charama Purana Naka Ward No. - 3, Kanker, District Kanker, Chhattisgarh. (Claimant)

... Appellant**versus**

1 - Umesh Kumar Sahu S/o Late Netram Sahu Aged About 33 Years R/o Village Barbaspur, P.S. Ranchirai, District Balod, Chhattisgarh. (Driver Of The Offending Vehicle)

2 - Basant Kumar Jain S/o Jay Kumar Jain R/o Gwalior, 56 Vinay Nagar, Sector - 4 Gwalior, Madhya Pradesh. (Registered Owner Of The Offending Vehicle)

3 - Manoj Kumar Jain S/o Surajmal Jain R/o Village Kalankpur, P.S. Ranchirai, District Balod, Chhattisgarh.

4 - United India Insurance Company Limited, Branch Office, LIC Building, Raipur, District Raipur, Chhattisgarh. (Insurer Of The Offending Vehicle)

... Respondent(s)

For Appellant : Mr. Praveen K. Dhurandhar, Advocate

For Respondent No. 3 : Mr. Amit Nayak, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.
Order on Board
(14/10/2026)

1. Heard on I.A. No.01/2023, an application for condonation of delay.

2. The present appeal has been preferred by the appellant/claimant seeking enhancement of the compensation awarded by the learned Claims Tribunal.
3. For the reasons assigned therein, I am inclined to allow the same and delay of 239 days in preferring of this appeal is, hereby, condoned.
4. I.A. No.01/2023, thus, stands disposed of.
5. Heard on admission.
6. This is the claimants' appeal for enhancement against the award dated 11/04/2022 passed by the Motor Accident Claims Tribunal, Balod, District- Balod (C.G.) in Motor Accident claim case No. 117/2019 whereby a compensation amount of Rs. 22,046/- has been awarded in favour of the claimants.
7. Learned counsel for the appellant submits the compensation awarded by the Claims Tribunal is on lower side which needs to be enhanced suitably. It is further submitted that the principle of **“pay and recover”** be applied. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
8. On the other hand, learned counsel appearing for respondent No. 3 submits that the learned Claims Tribunal, after appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. He further submits that the appellant has neither suffered any permanent disability nor sustained any grievous injury. Hence, the compensation awarded by the learned Claims Tribunal is just and proper and warrants no interference.

9. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
10. The learned Tribunal, while assessing the compensation, took into consideration that the injured had remained admitted in a Government Hospital for only four days and had received treatment for simple injuries. Accordingly, the Tribunal awarded a sum of Rs. 22,046/- towards compensation.
11. On a careful consideration of the material on record, this Court finds that the Tribunal has properly appreciated the evidence and the compensation awarded is just and reasonable. There is no infirmity in the impugned award warranting interference.
12. Accordingly, the appeal of the appellant is hereby **dismissed** at the admission stage.

**Sd/-
Sanjay Kumar Jaiswal
Judge**

Prashant