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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1282 of 2026

Suresh Kumar Dewangan S/o Late Ramadheen Dewangan Aged About 47 Years R/o Ward No. -9, (li) Lal Bahadur Shastri (Vidhyapati Chowk) Banjari Nagar Rawan Bhatha (Beergaon) Tahsil Dharsiwa District Raipur C.G. **(Claimant)**

--- **Appellant**

versus

1 - Rakesh Sahu S/o Chitranjan Aged About 47 Years R/o Plot No. - 49/d Kapil Nagar Navi Road Nagpur District M.H. Pin No. 440026 Present Address- Near Sabji Mandi Pandey Para Baloda P.S. Baagnadi District Rajnandgaon C.G. **(Driver)**

2 - Rajbeer Singh Bhatti S/o Tasveer Singh Bhatti R/o Qr. No. 685, Infront Of Moti Pond Baldev Bagh Rajnandgaon District Rajnandgaon C.G. **(Owner Of Truck)**

3 - Branch Manager National Insurance Company Limited Divisional Office, 2nd Floor Above Karnataka Bank Near Tarun Talkies, Station Road Durg Tahsil And District Durg C.G. Pin No. -491001 **(Insurer Of Truck)**

--- **Respondent(s)**

MAC No. 1276 of 2026

1 - Suresh Kumar Dewangan S/o Late Ramadheen Dewangan Aged About 47 Years R/o Ward No. 9 (11) Lal Bahadur Shastri (Vidhyapati Chowk), Banjari Nagar, Rawan Bhatha (Beergaon) Tahsil- Dharsiwa, District- Raipur (C.G.)

2 - Rahul Dewangan S/o Suresh Kumar Dewangan Aged About 21 Years R/o Ward No. 9 (11) Lal Bahadur Shastri (Vidhyapati Chowk), Banjari Nagar, Rawan Bhatha (Beergaon) Tahsil- Dharsiwa, District- Raipur (C.G.)

3 - Rohan Dewangan S/o Suresh Kumar Dewangan Aged About 19 Years R/o Ward No. 9 (11) Lal Bahadur Shastri (Vidhyapati Chowk), Banjari Nagar, Rawan Bhatha (Beergaon) Tahsil- Dharsiwa, District- Raipur (C.G.)

4 - Rupa Bai Dewangan W/o Late Ramadheen Dewangan Aged About 71 Years R/o Ward No. 9 (11) Lal Bahadur Shastri (Vidhyapati Chowk), Banjari Nagar, Rawan Bhatha (Beergaon) Tahsil- Dharsiwa, District- Raipur (C.G.) Permanent Address Sahu Para, Village- Barhapur, Post Barhapur, Tahsil- Damdha, District- Durg (C.G.)
(Claimants)

---Appellants

Versus

1 - Rakesh Sahu S/o Chitranjan Aged About 47 Years R/o Plot No. 49/d, Kapil Nagar, Navi Road Nagpur, District Nagpur (M.H.) Pin No. 440 026 Present Address Near Sabji Mandi, Pandey Para Baloda, P.S. Baagnadi, District Rajnandgaon (C.G.) **(Driver Of Truck No. Cg-08a V-8558)**

2 - Rajbeer Singh Bhatti S/o Tasveer Singh Bhatti R/o Qr. No. 685, Infront Of Moti Pond, Baldev Bagh, Rajnandgaon, District- Rajnandgaon (C.G.) **(Owner Of Truck No. Cg-08a V-8558)**

3 - Branch Manager National Insurance Company Limited, Divisional Office, 2nd Floor, Above Karnataka Bank, Near Tarun Talkies, Station Road, Durg, Tahsil And District- Durg (C.G.) 491 001 **(Insurer Of Truck No. Cg-08a V-8558)**

--- Respondent(s)

For Claimants : Mr. P.R. Patankar, Advocate
For Owner and Driver : None
For Insurer : Mr. Pravin Kumar Tulsyan, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(17.09.2026)

1. Since both the appeals arise out of same accident, therefore, they are being heard and decided by this common order.
2. The appeals have been preferred by the appellants/claimants seeking enhancement of the amount of compensation under Section 173 of the Motor Vehicles Act, 1988, challenging the award dated 06.03.2026 passed by the Additional Motor Accident Claims Tribunal, Durg, District Durg (C.G.) in Claim Case Nos. 90/2025 and 91/2025, whereby the learned Claims Tribunal has awarded a total sum of Rs. 15,350/- as compensation for damage of the vehicle of appellant/claimant Suresh Kumar Dewangan and has also awarded a total sum of Rs. 17,53,095/- for the death of Sushila Bai Dewangan, who was aged about 46 years and died in a road accident which took place on 08.02.2025.
3. Learned counsel for the claimant in MAC No. 1282/2026 submits that on the date of the accident, the appellant/claimant was driving the motorcycle and, due to the accident, also sustained simple injuries, for which the Claims Tribunal has not awarded any compensation. Hence, it is prayed that compensation under the head of simple injuries sustained by the appellant may be granted.
4. Learned counsel for the claimants in MAC No.1276/2026 would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. Therefore, the instant appeal be allowed and the

compensation awarded by the Claims Tribunal may suitably be enhanced.

5. Learned counsel for respondent/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.
6. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

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7. In the case at hand, it is true that the learned Tribunal has awarded a total sum of Rs. 15,350/- towards repair of the motorcycle and has not awarded any compensation for the injuries sustained by the appellant/claimant Suresh Kumar Dewangan. Considering the facts and circumstances of the case and the fact that no MLC report of Suresh Kumar Dewangan has been produced and no bills regarding his treatment have been brought on record, a lump sum of Rs. 2,000/- is found to be just and reasonable on account of simple injuries sustained by him. Accordingly, the compensation of Rs. 15,350/- awarded by the Claims Tribunal is enhanced to Rs. 17,350/-. Thus, after deducting Rs. 15,350/-, claimant Suresh Kumar Dewangan is held entitled to an additional amount of Rs. 2,000/-. The said additional amount shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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8. In the case at hand, it is true that the learned Tribunal has awarded a total sum of Rs. 17,53,095/- towards loss of dependency, funeral expenses, loss of estate, spousal consortium, filial consortium and parental consortium, which is in accordance with the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**. This Court does not find any reason to interfere with the impugned award.
9. In the result, MAC No.1276/2026 is **dismissed** and MAC No.1282/2026 is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
10. The Registry is directed to communicate the claimant in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

-Shubham

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130