



CGHC010288632024



2026:CGHC:44711

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1688 of 2024**

1 - Sunil Suryavanshi S/o Sahas Ram Suryavanshi Aged About 35 Years R/o Pithampur Raod, Purneha Talab Pissaud, Police Station - Janjgir, District - Janjgir - Champa (C.G.)(Claimant)

2 - Ku. Shweta Suryavanshi D/o Sunil Suryavanshi Aged About 3 Years Minor Through Legal Guardian Father Sunil Suryavanshi R/o Pithampur Road Purneha Talab Pissaud, Police Station - Janjgir, District - Janjgir - Champa (C.G.) (Claimant)

... Appellants**versus**

1 - Rakesh Kumar Sahu S/o Budhram Sahu Aged About 21 Years R/o Village - Jarve (Cha) Police Station - Janjgir, District - Janjgir - Champa (C.G.)(Driver Of Bolero Pickup No. Cg- 11 Ab- 0722

2 - Surendra Gir S/o Ghanshyam R/o Village - Jarve (Cha) Police Station - Janjgir, District Janjgir - Champa (C.G.) (Owner Of Bolero Pickup No. Cg- 11 Ab- 0722)

3 - Branch Manager, United Indaia Insurance Company Limited, Branch Office - Gurukripa Tower, Second Floor, In Front Of Amber Auto Mobile Vyapar Vihar Road, Bilaspur, Police Station - Civil Line, Tahsil And District Bilaspur (C.G.) (Insurance Company)

... Respondents

For Appellants/Claimants	:	Mr. S.P. Sannat, Adv. with Ms. Deepika Kaushik, Adv.
For Respondents No. 1 & 2	:	Mr. Pradeep Kumar Jogi, Adv.
For Respondent No. 3	:	Mr. P.K. Tulsyan, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****15/10/2026**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has

been preferred by the claimants challenging the award dated 16.02.2024 passed by the 3rd Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (C.G.), in Motor Accident Claim Case No.267/2019, whereby compensation of ₹13,84,990/- has been awarded to the claimants for the injuries sustained by minor Shweta Suryavanshi (3 years old) in a road accident that occurred on 24.10.2018.

2. Learned counsel for the appellants/claimants submits that in the accident in question, the minor sustained grievous injuries resulting in the amputation of her left leg from the thigh, thereby causing permanent disability. Although the disability certificate (Ex.P-92) assesses his permanent disability at 80%, the Tribunal has erroneously assessed the same at 70%. Learned counsel further submits that, owing to the amputation of her left leg, the appellant would require an artificial limb/prosthetic leg for his lifetime. However, the Tribunal has not awarded any compensation towards the cost of the artificial limb and its maintenance. He further submits that no amount has been awarded towards expenses in future treatment which should ought to be considered. It is also contended that the amounts awarded under the heads of pain and suffering and other heads are also inadequate. The injured is a 3 years old minor girl, therefore, the amount awarded towards loss of earning is also inadequate. In support of his contention he placed reliance on the decision of the Hon'ble Supreme Court in the matter of **Rina Rani Mallick vs. Susim Kanti Mohanty**, passed on 30.04.2025 in SLP(C) No. 17267/2024. Accordingly, learned counsel prays that the appeal be allowed and the compensation awarded by the Tribunal be suitably enhanced.
3. Per contra, learned counsel appearing for the respondents submits that the Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly determined the compensation payable to the appellant. It is contended that the compensation awarded is just and proper and does not warrant any interference by this Court.
4. I have heard learned counsel for the parties, considered their rival

submissions and perused the record of the Tribunal with due care.

5. The Hon'ble Supreme Court in the case of **Rina Rani** (supra) in para 5 & 6 has held as under:-

“5. In this context, we have noticed a decision of this Court in *Mallikarjun v. Divisional Manager, National Insurance Company Limited*, (2014) 14 SCC 396, wherein a 12 year-old child in the accident suffered permanent disability of 34% of right lower limb and 18% to the whole body. This Court emphasising the fact that there could be no income for children and the notional income of Rs. 15,000/- as per the second schedule, found that the compensation awarded on that basis would be inadequate. It was held that the compensation in such circumstances has to be under the non-pecuniary heads in addition to the actual amounts for treatment done, transportation, assistance of attendant, etc. Considering the fact that the main element of damage in the case of child victim is the pain, shock, frustration, deprivation of ordinary pleasures and enjoyment associated with healthy and mobile limbs, it was held that compensation should enable the child to develop in such a manner as to offset, at least, to some extent, the inconvenience or discomfort arising out of the disability.

6. It was held that in addition to the heads for treatment, attendant expenses, etc. if the disability is above 10% and upto 30% Rs. 3 lakhs; upto 60% Rs. 4 lakhs; upto 90% Rs. 5 lakhs and above 90%, it should be Rs. 6 lakhs. A total of Rs. 3,75,000/- was awarded in the said case”

6. On account of the accident, appellant, Ku. Shweta Suryavanshi, aged about 03 years, sustained grievous injuries and her left leg was amputated from the thigh. He remained hospitalized for approximately 30 days. The disability certificate (Ex.P-92), assessing the permanent disability of the appellant at 80%, has been duly supported by the testimony of Dr. R.L. Thakur. However, the Tribunal has assessed the permanent disability of the appellant at 70%, which is undisputed.
7. As regards compensation towards the cost of an artificial limb/prosthetic leg, it is undisputed that the Tribunal has not awarded any amount under this head. The loss of a limb cannot be adequately compensated in monetary terms; nevertheless, the

injured person is entitled to reasonable pecuniary compensation towards the purchase of an artificial limb and its maintenance and replacement, as may be required during her lifetime. The Hon’ble Supreme Court in the case of **Shankar Dutt v. United India Insurance Co. Ltd. & Others, 2026 SCC OnLine SC 1193**, in para-5.9.3 held as under:

“While the loss of leg cannot be compensated, the appellant could be paid pecuniary compensation towards the purchase of the prosthetic leg and its repairs. It would tend to do justice. This consideration is indeed a part of determining the just and fair compensation. Therefore, this Court is of the view that Rs.10,00,000 should be awarded to the appellant towards the cost and maintenance for the artificial let he will require during his lifetime. This is the minimum amount which he is qualified for as part of the compensation payable under this head to the appellant-claimant.”

- 8. In the light of the aforesaid judgment and having regard to the nature of the amputation, the age and circumstances of the appellant, and her lifelong need for an artificial limb, this Court considers it just and proper to award a consolidated sum of ₹5,00,000/- towards the cost, maintenance and replacement of the prosthetic limb during her lifetime.
- 9. Further, considering the fact that there are some expenses for which it is not possible to obtain a bill or receipt. The father had to attend to the care of his injured child, which resulted in a loss of income for him and also considering the nature and severity of the injuries sustained by the minor injured, the period of hospitalization (30 days) and treatment, and the continuing consequences of the amputation, this Court finds that the amounts awarded by the Tribunal under certain other heads are also inadequate and require enhancement. Accordingly, the compensation is reassessed as follows:

S. No .	Heads of Compensation	Compensation awarded by the Tribunal	Compensation reassessed by this Court
1.	Towards medical expenses	1,21,190/-	1,50,000/-
2.	Towards attendant	2,80,800/-	2,80,800/-

3.	Towards nutritious diet	27,000/-	50,000/-
4.	Towards transport expenses	15,000/-	25,000/-
5.	Towards loss of future earnings	$30,000 \times 140/100 \times 15 \times 70\% = 4,41,000/-$	5,00,000/-
6.	Physical and mental agony	2,00,000/-	2,00,000/-
7.	Loss of amenities of life	1,00,000/-	3,00,000/-
8.	Towards the loss of marriage prospects	2,00,000/-	4,00,000/-
9.	Artificial limb, including maintenance and replacement	Nil	5,00,000/-
10.	Towards medical expenses in future	Nil	1,00,000/-
	Total Compensation	₹13,84,990/-	₹25,05,800/-

10. In view of the foregoing discussion, the total compensation of ₹13,84,990/- awarded by the Tribunal is enhanced to ₹25,05,800/-. Consequently, after deducting the amount already awarded by the Tribunal, the appellant shall be entitled to an additional compensation of **₹11,20,810/-**. The said enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

11. In the result, the appeal is **partly allowed** and the impugned award stands modified to the extent as indicated herein-above.

12. The Registry is directed to communicate the claimants in writing “the enhanced/additional 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 claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE