



CGHC010336562024



2026:CGHC:44193

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1897 of 2024**

1 - Purushottam Kurre S/o Shri Kisun Kurre, Aged About 28 Years
R/o Shukrawri Bazaar, Birgaon, Police Station Urla, District -
Raipur, Chhattisgarh.

--- Appellant**versus**

1 - Dinesh Kumar Verma S/o Shri Thakur Ram Verma, Aged About
20 Years R/o Ward No. 4, Kharora, Police Station Kharora, District
Raipur, Chhattisgarh. (Driver Of Motorcycle No. Cg 04 Nq 9744)

2 - Smt. Usha Devi Kandra, W/o Late Heeralal Kandra, Aged About
50 Years R/o Ward No. 4, Kharora, Police Station Kharora, District
Raipur, Chhattisgarh. (Owner Of Motorcycle No. Cg 04 Nq 9744)

3 - Tata A.I.G. Insurance Company Limited, Through Incharge
Officer, Address - Wallfort Ozone, Near Fafadih, Raipur, District
Raipur, Chhattisgarh. (Insurer Of Motorcycle No. Cg 04 Nq 9744)

--- Respondents

For Appellant/Claimant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondents No. 1 & 2	:	Mr. Ajit Kumar Singh, Advocate.
For Respondent No. 3	:	Mr. Utsav Mahiswar, Adv. with Ms. Santoshi Yadav, Adv.

MAC No. 1888 of 2024

1 - Anil Kurre S/o Shri Jaswant Kurre Aged About 25 Years R/o
Shukrawari Bazaar, Birgaon, Police Station Urla, District- Raipur,
C.G. (Claimant)

---Appellant**Versus**

1 - Dinesh Kumar Verma S/o Shri Thakur Ram Verma Aged About 20 Years R/o Ward No. 4, Kharora, Police Station Kharora, District Raipur, C.G. (Driver Of Motorcycle No. C.G. 04 N. Q. 9744) (Non-Applicants)

2 - Smt. Usha Devi Kanda W/o Late Heeralal Kandra Aged About 50 Years R/o Ward No. 4, Kharora, Police Station Kharora, District Raipur, C.G. (Owner Of Motorcycle No. C.G. 04 N. Q. 9744) (Non-Applicants)

3 - Tata A.I.G. Insurance Company Limited Through Incharge Officer, Address- Wallfort Ozone, Near Fafadih, Raipur, District Raipur, C.G. (Insurer Of Motorcycle No. C.G. 04 N. Q. 9744) (Non-Applicants)

--- **Respondents**

For Appellant/Claimant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondents No. 1 & 2	:	Mr. Ajit Kumar Singh, Advocate.
For Respondent No. 3	:	Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(13.10.2026)

1. Since both appeals arise out of the same accident on 06.04.2022, they are being heard and disposed of by this common order.
2. The appel (**MAC No. 1897/2024**) under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 09.07.2024, passed in Claim Case No. 798/2022, whereby the learned Claims Tribunal awarded a total sum of Rs. 2,49,500/- as compensation to the claimant/appellant for the injuries sustained in a road accident that took place on 06.04.2022.
3. The appel (**MAC No. 1888/2024**) under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been

preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 09.07.2024, passed in Claim Case No. 799/2022, whereby the learned Claims Tribunal awarded a total sum of Rs. 47,400/- as compensation to the claimant/appellant for the injuries sustained in a road accident that took place on 06.04.2022.

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4. Learned counsel for the appellant submits that the appellant suffered fractures in both arms and legs, and injuries to the head, chest and various parts of the body in the said accident. In light of the severity of these injuries, the compensation awarded by the learned Claims Tribunal under various heads is disproportionately low and warrants a substantial enhancement. Further, the learned Tribunal erred by failing to award any amount for loss of income during treatment, future medical expenses, and loss of amenities. Consequently, it is respectfully prayed that the instant appeal be allowed and the compensation awarded by the Claims Tribunal be suitably enhanced.
5. Learned counsel for respondents 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.
7. In the present case, a perusal of the documents on record indicates that the appellant suffered fractures in both arms and legs, and injuries to the head, chest and various parts of the body, but he has not produced any documents or a medical certificate establishing any permanent disability. As evidenced by Ex. P-10, a discharge ticket, the appellant was admitted to

Krishna Hospital, Kharora (C.G.), from 06.04.2022 to 15.04.2022, i.e., about 10 days, during which he underwent treatment for his accident-related injuries. The appellant produced medical bills totalling Rs. 2,41,737.76/- (Ex. P-11 to Ex. P-17 and Ex.P19 to Ex. P-56), which were duly considered by the Claims Tribunal. However, this Court observes that, apart from documented expenses, a victim inevitably incurs miscellaneous out-of-pocket expenses during hospitalisation and treatment for which formal receipts cannot be produced. Consequently, in light of the facts and circumstances of the case, it is reasonable to enhance the amount on certain heads, and it is also appropriate to award Rs. 20,000/- towards loss of income during treatment, Rs. 15,000/- towards medical expenses in future treatment and Rs. 25,000/- towards loss of amenities.

8. Accordingly, in light of the aforesaid discussion, this Court is calculating the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Towards pain and suffering	Rs. 5,000/-	Rs.40,000/-
2.	Towards medical expenses	Rs. 2,42,000/-	Rs. 2,50,000/-
3.	Towards attendant	Rs. 2,000/-	Rs. 20,000/-
4.	Towards loss of income during treatment	Nil	Rs. 20,000/-
5.	Towards transport expenses	Rs. 500/-	Rs. 10,000/-
6.	Towards medical expenses for future treatment	Nil	Rs. 15,000/-
7.	Towards loss of amenities	Nil	Rs. 25,000/-
	Total	Rs. 2,49,500/-	Rs. 3,80,000/-

9. In view of the aforesaid analysis, the amount of compensation

of Rs.2,49,500/- awarded by the Claims Tribunal is enhanced to Rs.3,80,000/-. Hence, after deducting the amount of Rs.2,49,500/-, the appellant is held entitled for an additional amount of **Rs.1,30,500/-**. The additional amount of compensation 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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- 10.** Learned counsel for the appellant submits that the appellant suffered fracture in fibula bone and sustained injuries on various parts of the body in the said accident. In light of the severity of the injuries, the compensation awarded by the learned Claims Tribunal under various heads is disproportionately low and warrants a substantial enhancement. Further, the learned Tribunal erred by failing to award any amount for loss of income during treatment, future medical expenses, and loss of amenities. Consequently, it is respectfully prayed that the instant appeal be allowed and the compensation awarded by the Claims Tribunal be suitably enhanced.
- 11.** Learned counsel for respondents 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.
- 12.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 13.** In the present case, a perusal of the documents on record indicates that the appellant suffered fracture in fibula bone, but he has not produced any documents or a medical certificate establishing any permanent disability. As evidenced by Ex. P-9, a final bill, the appellant was admitted to Krishna Hospital,

Kharora (C.G.), from 06.04.2022 to 07.04.2022, i.e., about 02 days, during which he underwent treatment for his accident-related injuries. The appellant produced medical bills totalling Rs. 41,000.67/- (Ex. P-9 to Ex. P-16), which were duly considered by the Claims Tribunal. However, this Court observes that, apart from documented expenses, a victim inevitably incurs miscellaneous out-of-pocket expenses during hospitalisation and treatment for which formal receipts cannot be produced. Consequently, in light of the facts and circumstances of the case, it is reasonable to enhance the amount on certain heads, and it is also appropriate to award Rs. 10,000/- towards loss of income during treatment, Rs. 5,000/- towards medical expenses in future treatment and Rs. 10,000/- towards loss of amenities.

14. Accordingly, in light of the aforesaid discussion, this Court is calculating the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Towards pain and suffering	Rs. 5,000/-	Rs.10,000/-
2.	Towards medical expenses	Rs. 41,000/-	Rs. 45,000/-
3.	Towards attendant	Rs. 1,000/-	Rs. 2,000/-
4.	Towards loss of income during treatment	Nil	Rs. 10,000/-
5.	Towards transport expenses	Rs. 400/-	Rs. 1,000/-
6.	Towards medical expenses for future treatment	Nil	Rs. 5,000/-
7.	Towards loss of amenities	Nil	Rs. 10,000/-
	Total	Rs. 47,400/-	Rs. 83,000/-

15. In view of the aforesaid analysis, the amount of compensation of Rs.47,400/- awarded by the Claims Tribunal is enhanced to

Rs.83,000/-. Hence, after deducting the amount of Rs.47,400/-, the appellant is held entitled for an additional amount of **Rs.35,600/-**. The additional amount of compensation 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.

16. In the result, the appeals are **partly allowed**, and the impugned awards are modified to the extent indicated herein-above.

17. The Registry is directed to communicate the claimant/s 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/s resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu