



CGHC010343202024

2026:CGHC:44713

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2062 of 2024

Shriram General Insurance Company Limited, Head Office, E-8 RIICOI, Industrial Area, Sitapura, Jaipur (Rajasthan) Through-Regional Manager Having Regional Office At Plot No.1, 4th Floor, Maruti Heights, Besides Sky Auto Maruti Dealer, Mahoba Bazar, Besides R.K. Mall, G.E. Road, Raipur, District-Raipur (C.G.) ---- (Insurer)

... Appellant(s)

versus

- 1** - Lalshah Khan S/o Noorshah Khan, Aged About 45 Years R/o Gandhi Chowk, Bhopalpatnam, P.S. And Tahsil-Bhopalpatnam, District-Bijapur (C.G.) ----(Claimant)
- 2** - Arjun Kunjam S/o Pandru, Aged About 21 Years R/o Bijapur, Dipopara, P.S.-Bijapur, Tahsil And District-Bijapur (C.G.) -----(Driver)
- 3** - Ramesh Kunjam S/o Pandru, Aged About 23 Years R/o Indira Gandhi Ward, Bijapur, P.S.-Tahsil And District-Bijapur (C.G.) -----(Owner)

... Respondent(s)

For Appellant	: Mr. P. R. Patankar, Advocate
For Respondents	: None

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

15/10/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant–Insurance Company, challenging the award dated 29.06.2024 passed by the 2nd Motor Accident Claims Tribunal, Dantewada, District South Bastar Dantewada (C.G.), in Claim Case No.125/2022, whereby compensation of ₹10,54,720/- has been awarded to respondent No.1/Lalshah Khan for the injuries sustained by him in a motor vehicle accident that occurred on 17.04.2019.
2. The Claims Tribunal, after appreciating the oral and documentary evidence available on record, awarded compensation under various heads as follows:

S.N.	Head	Calculation
1.	Loss of earning capacity, Age 42 years, monthly income 12,000, applying multiplier of 14 – 12,000 x 12 x 14 = 20,16,000 of which 7% disability	1,41,120
2.	Loss of future income 25%	5,04,000
3.	Medical Expenses	1,94,600
4.	Transportation, Nutritious diet etc.	30,000
5.	Physical and mental agony	1,00,000
6.	Grievous injury	25,000
7.	Attendant Charges 5,000 x 2	10,000
8.	Future treatment	50,000
	Total Awarded Amount	Rs.10,54,720

3. Learned counsel appearing for the appellant–Insurance Company submits that the Claims Tribunal, in paragraph 19, under Item No.2, has erroneously calculated the compensation towards loss of future income at the rate of 25% instead of future prospects. It is, therefore, contended that the compensation under the said head requires recalculation by applying future prospects at the rate of 25%. He further submits that the Claims Tribunal has awarded a sum of ₹50,000/- towards future medical treatment, although the treating doctor has nowhere stated that the injured would require any future medical treatment. Accordingly, learned counsel prays that the impugned award be modified to the aforesaid extent.
4. There is no representation on behalf of the respondents.
5. Heard learned counsel appearing for the appellant and perused the record.
6. From the record, it is evident that Dr. Rohit Tamskar has proved the disability certificate (Exhibit P-8), which records 20% disability on account of fracture stiffness of right ankle. However, the Claims Tribunal has assessed the disability of the injured claimant at 7%. At the time of the accident, the injured claimant was approximately 42 years of age and was not a salaried employee. Accordingly, future prospects at the rate of 25% is applicable, and the appropriate multiplier is 14. Further, considering the injuries sustained by the claimant, the period of hospitalization, and the expenses likely to have been incurred towards transportation and a nutritious diet, the compensation of ₹30,000/- awarded by the Claims Tribunal under this head is enhanced to ₹50,000/-. This Court also finds that the amount awarded towards future medical treatment is just and proper.

7. In view of the aforesaid discussion and considering the age of the injured claimant, the nature of the injuries sustained, the period of hospitalisation, and the evidence available on record, the compensation is recalculated as follows:

S.N.	Head	Calculation
1	Income of the Injured	12,000 x 12 = 1,44,000
2.	Future prospects	(+) 25% (i.e. 36000) =1,80,000
3.	Multiplier	(x) 14 = 25,20,000
4.	Loss of income due to 7% disability	7% of 25,20,000 =1,76,400
5.	Medical Expenses incurred by Applicant/Injured	1,94,600
6.	Transportation, Nutritious diet etc.	50,000
7.	Physical and mental agony	1,00,000
8.	Grievous injury	25,000
9.	Attendant Charges 5,000 x 2	10,000
10.	Future treatment	50,000
	Total Amount	Rs.6,06,000

8. In view of the aforesaid analysis, the respondent No.1/injured shall now be entitled to a total compensation of Rs.**6,06,000/-** in place of Rs.10,54,720/- as awarded by the Claims Tribunal. The remaining terms and conditions of the impugned award shall remain unaltered.
9. Consequently, the appeal of the insurance company is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
10. The Registry is directed to communicate the Respondent

No.1/Injured in writing “the modified amount” passed 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 Injured resides.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE

Khatai