



CGHC010349672026



2026:CGHC:40827

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2103 of 2026

Rudra Kumar Tamrakar S/o Krishna Kanhaiya Tamrakar Aged About 14 Years Minor Represented through his father, Krishna Kanhaiya Tamrakar S/o Ramkumar Tamrakar R/o Pali P.S. And Tehsil Pali, Distt- Korba (C.G.)
... Appellant

versus

1 - Harish Kumar S/o Shishil Kumar Dixena R/o Village Kerajhariya P.S. And Tehsil Pali, Distt- Korba (C.G.) (Driver of Vehicle C G-12- B F-9412).

2 - Salikram S/o Chandan R/o Village Maadan P.S. and Tehsil Pali, Distt- Korba (C.G.) (Owner of Vehicle).

3 - Cholanmandalam M S General Insurance Company India Limited, Through Its Branch Manager, Ward No. 25, Guru Govind Singh Ward Second Floor, Simran Tower Pandri Road, opposite of L I C Building Raipur (C.G.) (Insurer)
... Respondents

For the appellant	:	Mr. Pallav Mishra, Advocate
For the Respondent(s)	:	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

18.09.2026

1. Heard on I.A. No.1 for condonation of delay in filing the appeal.
 Appeal is barred by 62 days' delay.

For the reasons stated in the application which is supported by the affidavit of appellant/ injured claimant, I am inclined to condone the delay.

Accordingly, delay of 62 days is condoned and the application is allowed.

Heard on admission.

2 This appeal under Section 173 of Motor Vehicles Act, 1988 (for short “MV Act”) has been filed by the claimant (injured) seeking enhancement of compensation, challenging the impugned award dated 30.03.2026 passed by the III Motor Accident Claims Tribunal, Katghora, District Korba (Chhattisgarh) in MACT No. 66/2024.

3. Brief facts of the case as pleaded in the claim application are that on 04.01.2024 at about 7.30 p.m., appellant Rudrakumar Tamrakar, aged about 14 years, met with accident due to rash and negligent driving of respondent no.1 and sustained grievous injuries and got treatment in hospitals. He, therefore, filed a claim petition seeking a total compensation of Rs. 21,65,000/- for the damages caused to him on various heads.

4. The Tribunal after evaluating the facts and documentary evidence has granted a total compensation of Rs. 1,83,658/- on various heads as per the following table :

Sl.No	Head	Amount
01.	Treatment expenses	Rs. 41,178/-
02.	Nutritious food	Rs. 25,000/-
03.	Pain and suffering / Mental Agony	Rs. 50,000/-
04.	Attendant Charges	Rs. 25,000/-
05.	Compensation for loss of education during his treatment (a total of 4 months salary at the rate of minimum wages Rs. 10,620/-)	Rs. 42,480/-
	Total Rs.	1,83,658/-

5. Learned counsel for the appellants submits that the claimant-injured was minor aged about 14 years and while granting compensation of Rs.42,480/- for reimbursement of loss of education for 4 months due to treatment, the Tribunal took the monthly income of Rs.10,620/- treating him as unskilled labour which is on lower side. He contends by relying on a decision of the supreme Court in **Hitesh Nagjibhai Patel Vs. Bababhai**

Nagjibhai Rabari (2025 INSC 1070) that even for a minor, the income should be evaluated by treating him on par with a skilled/semi-skilled labourer. At the relevant time, the monthly wages of skilled labour as per relevant notification was Rs. 11,530/- which should have been granted.

6. The claimant has pleaded that he sustained injury in his abdomen and hand. Admittedly, the claimant has not produced any certificate from any competent authority or Medical Board to prove any permanent disability or grievous injury caused to him. In absence of such evidence, loss of income cannot be assessed. The loss of income can only be awarded if there is a permanent functional disability that affects the claimant's earning capacity. In this case, the claimant has not been able to prove any permanent disability caused to him due to the alleged injury.

7. Considering the over all facts situation of the case, the material on record, this Court is not inclined to interfere in this appeal warranting interference in the impugned award.

Accordingly, the appeal is **dismissed** at the admission stage.

Sd/-

**(Sanjay Kumar Jaiswal)
Judge**

Rao

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