



CGHC010364552023

2026:CGHC:43632

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1814 of 2023

Tiharu Ram Sahu S/o Kundan Lal Sahu Aged About 45 Years
R/o Village- Tekar, Police Station And Tahsil-Seepat, District :
Bilaspur, Chhattisgarh

... Appellant(s)

versus

1 - Sumit Kumar Patel S/o Mahendra Kumar Patel Aged About 29 Years Occupation - Driver, R/o Deendayal Upadhyay Nagar, Raipur, At Present Resident Of Ward No. 1, Rawanbhatha, Pithora, Police Station - Pithora, District- Mahasamund, C.G. (Driver Of Vehicle Car No. CG-06-GE/9551)

2 - Mahendra Kishore Patel S/o Beni Prasad Patel Aged About 60 Years Resident Of Ward No. 1, Rawanbhatha, Pithora, Police Station - Pithora, District- Mahasamund, C.G. (Owner Of Vehicle Car No. CG-06-GE/9551)

3 - H.D.F.C. Ergo General Insurance Company Limited Through The Branch Manager, Branch Office First Floor, D-2 Ward No. 30, Rani Laxmi Nagar, Rama Magneto Mall, Near Indus Bank, Bilaspur, Police Station- Tarbahar, Tahsil And District- Bilaspur, C.G. (Insurer Of Vehicle Car No. CG-06-GE/9551)

... Respondent(s)

For Appellant : Mr. Goutam Khetrapal, Advocate,
with Ms. Pranouti Das, Advocate

For Respondents No.1 : Mr. Vikram Pratap, Advocate

& 2

For Respondent No.3 : Mr. Harshmandar Rastogi, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

08/10/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the injured appellant challenging the award dated 31.08.2023 passed by the Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (C.G.), in Motor Accident Claim Case No.04/2022, whereby compensation of ₹15,26,909/- has been awarded to the appellant for the injuries sustained by him in a road accident that occurred on 08.10.2021.
2. Learned counsel for the appellant/claimant submits that the Tribunal has committed a manifest error in assessing the monthly income of the appellant at ₹7,800/-, which is even lower than the minimum wages prescribed for an unskilled labourer at the relevant time. It is submitted that, in the accident in question, the appellant sustained grievous injuries resulting in the amputation of his right leg from the thigh, thereby causing permanent disability. Although the disability certificate (Ex.P-81) 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 his right 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. In this regard, reliance has been placed upon the judgment of the **Hon'ble Supreme Court in Shankar Dutt v. United India Insurance Co. Ltd. & Others, 2026 SCC OnLine SC 1193**. It is also

contended that the amounts awarded under the heads of pain and suffering, attendant charges, nutritious food, transportation and future medical expenses are also inadequate. 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. So far as the assessment of income is concerned, although it was claimed that, at the time of the accident, the appellant was earning ₹15,000/- per month by working as a confectioner (Halwai), no documentary evidence has been adduced on record to substantiate the said claim. The accident occurred on 08.10.2021, when the minimum wages prescribed even for an unskilled labourer were ₹9,280/- per month. Accordingly, this Court finds it appropriate to reassess the monthly income of the appellant at ₹9,280/-.
6. On account of the accident, appellant, Tiharu Ram, aged about 48 years, sustained grievous injuries and his right leg was amputated from the thigh. He remained hospitalized for approximately 20 days. The disability certificate (Ex.P-81), assessing the permanent disability of the appellant at 80%, has been duly supported by the testimony of Dr. V. K. Mishra.

However, the Tribunal has assessed the permanent disability of the appellant at 70%.

7. Learned counsel for the appellant submits that, in terms of Clause 17 of Part II of Schedule I to the Employees' Compensation Act, 1923, amputation below hip with stump not exceeding five inches in length measured from the tip of great trochanter, is specified as resulting in 80% loss of earning capacity. On this basis, it is contended that the assessment of permanent disability at 70% by the Tribunal warrants reconsideration.
8. From the evidence available on record it is evident that the appellant was working as a confectioner (Halwai). Despite the amputation of his right leg, he remains capable of performing his work while sitting. Having regard to the nature of the injuries, the occupation of the appellant and the medical evidence of Dr. V.K. Mishra, this Court finds no sufficient ground to interfere with the Tribunal's assessment of permanent disability at 70%. Accordingly, the said finding is affirmed.
9. 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 his lifetime. The Hon'ble Supreme Court in the case of **Shankar Dutt(supra)** 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.”

10. In the light of the aforesaid judgment and having regard to the nature of the amputation, the age and circumstances of the appellant, and his lifelong need for an artificial limb, this Court considers it just and proper to award a consolidated sum of ₹10,00,000/- towards the cost, maintenance and replacement of the prosthetic limb during his lifetime.
11. Further, considering the nature and severity of the injuries sustained by the appellant, the period of hospitalization 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.	Annual income	7,800x12 = 93,600	9,280x12 =1,11,360
2.	Future prospects	(+)25% i.e. 23,400 =1,17,000	(+) 25% i.e. 27,840 = 1,39,200
3.	Multiplier	(x)13 = 15,21,000	(x)13 = 18,09,600
4.	Loss of future earnings on account of 70% permanent disability	10,64,700 (15,21,000 x 70%)	12,66,720 (18,09,600 x 70%)
5.	Medical expenses	3,07,209	3,07,209
6.	Physical and mental agony	1,00,000	1,50,000
7.	Nutritious food	10,000	15,000
8.	Attendant charges	10,000	15,000

9.	Transportation expenses	15,000	25,000
10.	Future medical treatment	20,000	50,000
11.	Artificial limb, including maintenance and replacement	Nil	10,00,000
	Total Compensation	₹15,26,909/-	₹28,28,929/-

12. In view of the foregoing discussion, the total compensation of ₹15,26,909/- awarded by the Tribunal is enhanced to ₹28,28,929/-. Consequently, after deducting the amount already awarded by the Tribunal, the appellant shall be entitled to an additional compensation of **₹13,02,020/-**. 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.

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

14. The Registry is directed to communicate the claimant 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 claimant resides.

Sd/-
(**Sanjay Kumar Jaiswal**)
JUDGE