CGHC010022522023 2026:CGHC:45361

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 147 of 2023

1 - Nidhi Gupta W/o Nishant Gupta Aged About 40 Years R/o Near Shakin Madholaj, Janjgir, Tahsil Janjgir, District : Janjgir-Champa, Chhattisgarh

... Appellant(s)

versus

1 - Ravendra Kumar Sahu S/o Vishwanath Prasad Sahu, R/o Shakin, Kirodimal Nagar, Ward No. 09, Tahsil Kotra Road District Raigarh Chhattisgarh. (Driver And Owner Of Vehicle C.G. 13-C-8137), District : Raigarh, Chhattisgarh

2 - Branch Manager, The New India Insurance Company Ltd. Branch Office Beside State Bank Of India, Karobadi, near Bus Stand Raigarh District Raigarh Chhattisgarh. (Insurer Of Vehicle No. C.G. -13-C-8137)

... Respondent(s)

For Appellant(s)	:	Ms. Deeksha Jaiswal, Advocate
For Respondent No.2.	:	Mr. Sudhir Agrawal and Mr. Shashank Agrawal, Advocates
For Respondent No.1	:	None appears on behalf of the respondent No.1 despite service of notices.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

27.10.2026

YASMIN KHAN
Digitally signed by YASMIN KHAN
DN: cn=YASMIN KHAN, ou=HIGH COURT, o=HIGH COURT OF CHHATTISGARH, st=Chhattisgarh, c=IN
Date: 2026.10.29 15:22:06 +0530

1) This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short MV Act) has been filed by the appellant/claimant, being aggrieved by the award dated 01.11.2022 passed by the First Additional Motor Accident Claims Tribunal, Janjgir Champa (C.G.) in Claim Case No.27/2022.

2) By the impugned award, against a claim of Rs.13,57,000/- the learned Tribunal has awarded compensation of Rs. 8,533/- in favour of the appellant/claimant on account of the injuries sustained by him in an accident that occurred on 26.03.2021 by rash and negligent driving of the offending vehicle car bearing registration No.CG – 13 – C – 1837 driven and owned by respondent No.1 and insured with the respondent No.2.

3) As per pleadings of the application filed under Section 166 of the MV Act, the appellant/claimant met with an accident on account of rash and negligent driving of the offending vehicle resulting into grievous injuries including fracture. The accident was reported to concerned police station upon which the crime was registered against the respondent No.1.

4) Claiming the aforesaid compensation the application was filed. The claim application was resisted by the respondents by filing the written statement denying the averments of the claim application. Respondent No. 2 also pleaded that the there is violation of terms and conditions of the insurance policy, thus it is not liable to pay compensation the amount fo claim of compensation is also exaggerated.

5) On the basis of above broad pleadings, the learned claims tribunal framed issues. The appellant/claimant has examined herself as a witness and exhibited certified documents. The learned claims tribunal on assessment of evidence and material available on record, awarded the above said compensation.

6) Ms. Deeksha Jaiswal, Advocate submits that the amount of compensation is on lower side, the bill submitted by the appellant has not been duly considered, as the less amount of compensation is awarded, no adequate compensation on account of mental physical agony, transportation, special diet has been awarded, thus, suitable enhancement in the amount of compensation may be made. The repair bill of the vehicle driven by the appellant/claimant has also not been considered.

7) Learned counsel for the respondents supports the impugned award and submits that the appellant has not examined any doctor, she has not suffered any permanent disablement, she has not suffered any loss on account of the injuries caused during treatment as admitted by her. The bills which have been discarded was of the year 2022 whereas the accident had occurred in the year 2021. Original bills which have been produced have been duly considered and thus, this compensation has been awarded.

8) I have heard learned counsel for the parties, considered their rival submissions and perused the records.

9) The first cognition in respect of the bill is not considered. From the record it does not appear that the bills which have been submitted have been duly proved in accordance with law. The learned claims tribunal has considered the bills which has been duly proved and awarded the above said compensation. This Court does not find any illegality and irregularity in recording this finding. The learned tribunal has rejected the bills of repairing of the motor vehicle which was driven by the appellant. Perusal of the record would indicate that the bills submitted was of the year July, 2022 whereas the accident occurred on 26.03.2021, apart from this, the bills were issued in the name of one another person and not in the name of the appellant/claimant. Further the learned tribunal has also observed that after the vehicle was

repaired after one and a half year cannot be accepted. Hence, the learned tribunal has not committed any illegality in rejecting the same.

10) So far as it is not in dispute that no other witness was examined including to substantiate the injuries, however, on the record it appears that the appellant/claimant has suffered fracture. The learned claims tribunal thus committed an error in only awarding Rs.8,533/- and has not awarded compensation on other heads.

11) Taking into consideration the aforesaid, in the interest of justice, this Court is of the view the ends of justice would be met if further compensation of Rs.25,000/- is awarded in favour of the appellant/claimant which would include transportation charges, mental physical agony and nutritional diet and all medical expenses. The said amount shall be deposited by the respondent/insurance company within a period of 60 days from the date of receipt of copy of this order.

12) No order as to costs. Consequently, the appeal is partly allowed.

Sd/-

(Sachin Singh Rajput)
Judge

yasmin