NIRMALA RAO

CGHC010022602023 2026:CGHC:44218

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 118 of 2023

1 - Smt. Bhanumati Dewangan W/o Suresh Kumar Dewangan Aged About 50 Years R/o Village 06, Thakur Gali, Aamapara, North Bastar Kanker Chhattisgarh. Present Address, Avanti Bai Chowk, Kurud Road, Kohka Bhilai, District : Durg, Chhattisgarh

... Petitioner(s)

versus

1 - Ranjeet Gaikwad S/o Shantu Prasad Gaikwad Aged About 23 Years R/o 191/b, Ward No. 59, Risali Sector, Bhilai, Police Station Nevai, Tahsil And District-Durg .....Driver Cum Owner., District : Durg, Chhattisgarh

2 - The New India Insurance Co. Ltd. Through Branch Manager, G. E. Road, Chouhan State, Supela Bhilai .....Insurer, District : Durg, Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Swapnil Thawaney, Advocate holding the brief of Shri P.R. Patankar, Advocate.
For Respondent No.1	:	Mr. Sanjay Kumar Agrawal, Advocate.
For Respondent No.2	:	Mr. Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

13.10.2026

1) Claimant-appellant has filed this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'Act of 1988') for enhancement of the compensation, challenging the impugned award dated 23.11.2022 passed by Motor Accident Claim Tribunal, Durg, District Durg in Claim Case No. 184/2020, whereby learned Tribunal has awarded compensation of Rs. 9,12,000/- with interest @ 9% per annum on account of injuries sustained by the appellant.

2) The case, in brief, is that on 29.1.2020, at about 11:30 p.m., in front of Bhilai Hotel, respondent No.1, while driving his Tata Tiago car bearing registration No. CG-07-BW-0629, rashly and negligently dashed against an Activa scooter on which the claimant, Bhanumati Dewangan, was travelling as a pillion rider along with her husband, Suresh Dewangan. In the accident, the claimant sustained serious injuries, resulting in permanent disability to the extent of 60%.

3) The appellant herself had filed an application under Section 166 of the Motor Vehicles Act, 1988, seeking total compensation of Rs.32,00,000/-. She pleaded that she was working as a teacher at Saraswati Shishu Mandir, Kailash Nagar, Bhilai, and was earning Rs.12,000/- per month. The learned Tribunal framed issues, the parties led evidence, and thereafter, the impugned award was passed.

4) Learned counsel appearing for the appellant submits that the learned Tribunal has assessed the claimant's monthly income at Rs.6,000/- and, considering the disability sustained by her, has

assessed the loss of monthly income at Rs.2,000/-. However, learned counsel for the appellant contends that, as per the minimum wage matrix applicable in the State of Chhattisgarh, the minimum wage at the time of the accident was Rs.8,600/- per month and, therefore, the loss of income suffered by the appellant due to the disability ought to have been assessed at a higher amount. He further submits that the amounts awarded by the learned Tribunal under the conventional heads are meagre. Accordingly, he prays that the impugned award be modified.

5) On the other hand, learned counsel appearing for respondent No.2/Insurance Company opposes the prayer made by learned counsel for the appellant/claimant and submits that the claimant failed to adduce cogent evidence to establish her monthly income. He further submits that the claimant failed to produce any salary slip or bank passbook to establish that she was working at the said institution. He contends that the compensation awarded by the learned Tribunal cannot be said to be on the lower side; rather, it is just and proper in the given facts and circumstances of the case and does not warrant any interference.

6) I have heard learned counsel for the parties at length, considered their rival submissions, and perused the records with utmost circumspection.

7) Admittedly, the appellant met with an accident on 29.1.2020 and sustained a fracture of her right leg, which was treated by inserting a plate. She remained hospitalised at Chandulal Chandrakar

Hospital, Bhilai, for a period of two months. It can reasonably be inferred that the injuries sustained by the claimant would have taken approximately two months to heal. A perusal of the impugned award indicates that the learned Tribunal reimbursed the medical expenses incurred by the claimant but failed to award any compensation towards loss of earnings during the said period. The appellant has not adduced any evidence to establish her income. Be that as it may, in the absence of specific evidence regarding the appellant's income, the learned Tribunal ought to have assessed her income in accordance with the minimum wage matrix applicable at the relevant time.

8) However, while computing the loss of earnings, the learned Tribunal assessed the notional monthly income of the claimant at Rs.6,000/-, which is certainly on the lower side. The monthly income ought to have been assessed at Rs.8,600/- in accordance with the minimum wage matrix applicable at the relevant time. Further, considering the accident and the disability sustained by the claimant, the Tribunal ought to have assessed the loss of earnings at Rs.3,000/- per month. The compensation awarded by the Tribunal under the other heads appears to be just and proper.

9) Thus, in light of the aforesaid discussion this Court is computing the compensation as below:

Sr. No.	**Heads**	**Compensation awarded by Tribunal**	**Compensation awarded by this Court**
1.	Loss of earning	Rs. 2,000/- x 12 =	Rs. 3,000/- x 12 =

		Rs.24,000/-	Rs.36,000/-
2.	Medical bills	Rs. 4,50,000/-	Rs. 4,50,000/-
3.	Total loss of income	Rs. 24,000 x 13 = Rs.3,12,000/-	Rs. 36,000 x 13 = Rs.4,68,000/-
4.	Special Diet, Conveyance and Attendant	Rs. 50,000/-	Rs. 50,000/-
5.	Physical and Mental Agony	Rs. 50,000/-	Rs. 50,000/-
6.	Future Treatment	Rs. 50,000/-	Rs. 50,000/-
	TOTAL	**Rs. 9,12,000/-**	**Rs. 10,68,000/-**

10) Accordingly, the amount of compensation of Rs.9,12,000/- awarded by the learned Tribunal is enhanced to Rs.10,68,000/-. Hence, the appellant is entitled for an additional amount of **Rs.1,56,000/-**.The Insurance Company is directed to make payment of additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.

11) Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Nimmi