CGHC010039862024 2026:CGHC:45030

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 324 of 2024

1 - Aakash Singh Rajput S/o Late Shri Trilok Singh Thakur Aged About 24 Years, R/o Near Sai Mandir, Neelam Sweets, Pahadi Chowk, Gudhiyari, Raipur, Dist.- Raipur, C.G.

2 - Aman Singh Rajput S/o Late Shri Trilok Singh Thakur Aged About 21 Years R/o Near Sai Mandir, Neelam Sweets, Pahadi Chowk, Gudhiyari, Raipur, Dist.- Raipur, C.G.

... Appellants

versus

1 - Suresh Verma S/o Punaram Verma Aged About 21 Years R/o- Village- Amlidih, Police Station And Tahsil- Sahaspur Lohara, Dist.- Kabirdham, C.G. (**Driver** Of Vehicle Bolero Bearing Registration No. CG/08/W/6756)

2 - Sunil Kumar Verma S/o Sukhraji Verma R/o- Village- Topsingh Nishad, Village- Kanimera, Police Station And Block- Chhuikhadan, Dist.- Rajnandgaon (Now K.C.G.), C.G. (Registered **Owner** Of Vehicle Bolero Bearing Registration No. CG/08/W/6756)

3 - The Oriental Insurance Company Limited Through Divisional Manager, Divisional Office No. 3 R. K. Plaza, Pachpedi Naka, Ring Road No. 1, Raipur, C.G. (**Insurer** Of Vehicle Bolero Bearing Registration No. CG/08/W/6756)

4 - Tikeshwar Yadu S/o Ganeshram Yadu R/o- Old Bus Stand Road, Rajnandgaon, Dist.- Rajnandgaon, C.G. (**Previous Registered Owner** Of Vehicle Bolero Bearing Registration No. CG/08/W/6756)

... Respondents

For Appellants	**:**	Ms. Pooja Yadav, Advocate
For Respondent Nos. 1 & 2	**:**	None
For Respondent No.3	**:**	Mrs. Swati Agrawal and Mr. Pankaj Agrawal, Advocates
For Respondent No.4	**:**	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(26.10.2026)

1. Heard on I.A.No.01/2024, an application for condonation of delay in filing the appeal.

2. There is delay of 344 days in filing the appeal.

3. This is claimants' appeal for enhancement of the award amount.

4. Upon due consideration and for the reasons mentioned in the application, the same (I.A.No.01/2024) for condonation of delay in filing the appeal, is allowed and the delay of 344 days is hereby condoned.

5. Also heard on admission.

6. The appeal is admitted for hearing.

7. With the consent of learned counsel for the parties, the appeal is heard finally.

8. This appeal under Section 173 of the Motor Vehicles Act, 1988

(for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 21.11.2022, passed in Motor Accident Claim Case No.380/2018, whereby the learned Claims Tribunal has awarded a total sum of Rs.55,09,100/- as compensation for the death of Late Trilok Singh Thakur, who died on 20.05.2018 in a road accident which took place on 03.03.2018.

9. Learned counsel for the appellants submits that the accident occurred on 03.03.2018 and the deceased subsequently succumbed to his injuries on 20.05.2018 during the course of treatment, i.e. after 76 days, during which prolonged period he remained hospitalized undergoing medical treatment. However, the learned Tribunal has awarded a meager sum of Rs.13,500/- towards attendant charges, Rs.10,000/- towards special diet, and Rs.5,000/- towards transportation, totaling Rs.28,500/-, which is grossly inadequate keeping in view the duration of hospitalization and medical care. Therefore, the compensation under these heads may be enhanced suitably.

10. Learned counsel appearing for respondent No.3/Insurance Company supporting the impugned award submits that the learned Claims Tribunal has awarded just and proper compensation, which needs no interference by this Court.

11. I have heard learned counsel appearing for the appellants and respondent No.3 & perused the record of the Tribunal, including award impugned.

12. Having considered the submissions advanced by learned counsel for the appellants and upon perusal of the material available on record, it is evident that the accident occurred on 03.03.2018 and the deceased succumbed to the injuries on 20.05.2018, i.e., after 76 days, during which period he remained under treatment. The

learned Tribunal after taking into consideration the medical bill (Ex.P-08 to Ex.P-93), has awarded a sum of Rs.5,60,000/- towards medical expenses; however, amount of Rs.13,500/- towards attendant charges, Rs.10,000/- towards special diet, and Rs.5,000/- towards transportation, totaling Rs.28,500/- appears to be on lower side. Considering the period of treatment of the deceased for 76 days, this Court is of the considered view that a consolidated sum of Rs.50,000/- towards diet, attendant and transportation expenses would be just and reasonable. Accordingly, an additional amount of Rs.21,500/- (Rs.50,000/- – Rs.28,500/-) is awarded under the aforesaid heads.

13. In the result, the appeal is **partly allowed**. The claimants/appellants shall be entitled to get **Rs. 21,500/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount shall carry interest @ 6% from 16.02.2024, the date of filing of the instant appeal, till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

14. The Registry is further directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the Tribunal below. 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 claimants resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

Digitally signed by VIJAYBHARATRAO PEKDE
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