CGHC010053932024 2026:CGHC:46176

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 334 of 2024

1 - Anand Shriwas S/o Vijay Shriwas Aged About 24 Years R/o Village Urtum, Police Station Sarkanda, District Bilaspur (C.G.) (Applicant)

... Appellant

versus

1 - Devidas S/o Santosh Das Aged About 62 Years R/o Ward No. 07, Mandir Chowk, Jarhabhatha, Police Station Civil Line, District Bilaspur (C.G.) (Driver Of The Vehicle Bolero No. C.G. 10-Y-0807)

2 - Prabhulal Mahra R/o Village Vindhyasar, Post Bahtarai, Tahsil Takhatpur, District Bilaspur (C.G.) (Owner Of The Vehicle Bolero No. C.G. 10-Y-0807)

3 - Cholamandalam M.S. General Insurance Company Limited Through Branch Manager, Branch Office - Vyapar Vihar Main Road, Near Of Vinayak Netralay, Bilaspur, District Bilaspur (C.G.) (Insurer Of The Vehicle Bolero No. C.G. 10-Y-0807)

... Respondents

For Appellant	**:**	Mr. Anand Kesharwani, Advocate
For Respondents	**:**	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

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02/11/2026

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

2. It is a claimant's appeal seeking enhancement of the compensation awarded by the Tribunal.

3. Upon due consideration, I.A. No. 01/2024 is allowed and the delay of 45 days in filing the appeal stands condoned.

4. Heard on admission.

5. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "the Act of 1988") has been preferred by the injured appellant assailing the award dated 29.09.2023 passed by the 2nd Additional Motor Accident Claims Tribunal, District Bilaspur (CG) in Motor Accident Claim Case No. 1109/2021, whereby a total compensation of ₹2,47,493/- has been awarded for the injuries sustained by the appellant in a road accident that occurred on 04.05.2020.

6. Learned Tribunal, after appreciating the oral and documentary evidence brought on record, assessed the compensation as under:

S.N.	Head	Calculation
1	Towards grievous injuries	1,81,313/-
2	Towards loss of income	24,180/-
3	Towards physical and mental agony	25,000/-
4	Towards transport expenses	5,000/-
5	Towards Nutritious Diet	7,000/-
6	Towards Attendant	5,000/-
	Total Awarded Amount	**Rs.2,47,493/-**

7. Learned counsel for the appellant submits that the Tribunal has erred in not accepting the appellant's claim that he was earning ₹20,000/- per month from his gents parlour. It is further contended that the appellant suffered a fracture on his mandibular cortical bone for which he underwent surgery, but future treatment expenses has not been awarded. It is also submitted that inadequate compensation has been awarded under the other heads. Accordingly, it is prayed that the impugned award be modified by suitably enhancing the compensation.

8. There is no representation on behalf of the respondents.

9. Heard learned counsel for the appellant and perused the record.

10. The claimed monthly salary of ₹20,000 has been disbelieved. It is noteworthy that the injured appellant has been stated to be running a gents parlour; however, no documents has been brought on record. In such circumstance, the Tribunal has rightly disbelieved the income of the appellant. Accordingly, the income of the appellant has been reasonably assessed by the Tribunal at ₹8,060 per month.

11. So far as the compensation awarded on other heads is concerned, the Tribunal, upon appreciation of the evidence on record, has found that the appellant sustained a

fracture to his right mandibular cortical bone, but he has not produced any documents or a medical certificate establishing any permanent disability. As evidenced by Ex. P-8 to Ex. P-26, the appellant was admitted to Shri Ram Care Hospital, Bilaspur (C.G.), from 04.05.2020 to 10.05.2020, i.e., about 06 days, during which he underwent treatment for his accident-related injuries and surgery on his right mandibular cortical bone. The appellant produced medical bills totalling Rs. 1,81,383/- (Ex. P-8 to Ex. P-26), which were duly considered by the Claims Tribunal.

12. In view of the aforesaid facts and upon a careful examination of the evidence on record, and further considering the overall injuries, the period of hospitalisation (6 days), no permanent disability and the medical expenses, this Court finds the impugned award just and proper and not warranting any further enhancement.

13. Consequently, the appeal, being devoid of merit, is **dismissed** at motion stage.

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

H.L. Sahu