CGHC010067182024 2026:CGHC:45857

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 391 of 2024

Rajkumar Rajwade S/o Ganga Prasad Rajwade, Aged About 25 Years Resident Of Village-Darhora (Bahrapara), Police Station-Chandaura, District-Surajpur (CG) at Present Resident of Surajpur, District-Surajpur (C.G.) **... Appellant**

versus

1 - Janki Prasad S/o Ramsai, Aged About 44 Years Resident of Shyamnagar (Khaspara, P.S. Bhatgaon, District-Surajpur (CG).

2 - Kamalsai S/o Shobhnath, Aged About 33 Years Resident of Shyamnagar (Khaspara), PS. -Bhatgaon, District-Surajpur (C.G.).

3 - IFCO Tokyo General Insurance Company Limited, Shop No. 205, Second Floor, MM Silver Plaza, Near Mining Office, Mahaveer Nager, Ring Road No.1, Raipur (C.G.) **... Respondents**

For the appellant	**:**	Mr. Ram Vifal Ram Rajwade, Advocate
For Respondent No.3	**:**	Ms. Pragati Pandey & Ms. Shrijal Gupta, Advocates

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

29.10.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed by the claimant (injured) seeking enhancement of compensation, challenging the impugned award dated 16.10.2023 passed by the Additional Motor Accident Claims Tribunal Surajpur, District Surajpur Chhattisgarh in Claim Case No. 31/2023 whereby a total compensation of Rs.82,407/- has been awarded for the damages caused to

the appellant.

2. Brief facts of the case as pleaded in the claim application are that on 25.08.2022 injured Rajkumar Rajwade along with deceased Brij Lal was returning on motorcycle from Podi Bajar to their village Darhora. appellant was sitting as a pillion rider. On the way at about 6.15 pm, respondent no.1 driving the offending vehicle Scorpio No. CG 29-AE/3652 in rash and negligent manner hit the motor cycle , due to which, Brij Lal died during treatment on 29.08.2022 while the appellant sustained multiple grievous injuries. Appellant was admitted in Ambikapur Hospital where he got treatment from 26.08.2022 to 29.08.2022. He filed a claim petition seeking a total compensation of Rs.8,50,000/- on different heads.

3. The Tribunal after evaluating the facts and evidence placed on record, has granted a total compensation of Rs. 82,407/- on various heads as per the following table:

01	Loss of earning for four months (Rs.7000 x 4)	Rs. 28,000/-
02.	Treatment expenses	Rs. 9,407/-
03.	Transportation expenses	Rs. 10,000/-
04.	Nutritious food	Rs. 5,000=00
05.	Attendant/Assistant charges	Rs. 5,000/-
06.	Physical suffering and Mental agony	Rs. 25,000/-
	Total Rs.	**Rs. 82,407/-**

4. Learned counsel for the appellants submits that a meagre sum in all has been awarded, which cannot be said to be a just compensation, therefore, the award be suitably enhanced.

5. Learned counsel for respondent no.3/Insurer submits that the award passed by the Tribunal is just and proper which needs no interference.

6. I have heard learned counsel for the parties, considered their rival submissions and perused the record.

7. It appears from the impugned award that the claimant has not produced any certificate from an authorised Medical Board to prove the

permanent disability. A loss of future income can only be awarded if there is a permanent functional disability that affects the claimant's earning capacity. Therefore, the Tribunal did not work out the loss of income, which cannot be said to be unsustainable.

8. In absence of any cogent reliable evidence regarding nature of work and income of deceased, the Tribunal has properly taken his income to be Rs. 7000/-. As per the discharge ticket (Ex.A-6) the applicant was admitted in hospital for treatment from 26.08.2022 to 29.08.2022 and looking to the treatment period and grievous injury sustained by the appellant in the said accident, the Tribunal has found that the appellant was unable to perform normal work and earn the income for four months and accordingly it has granted Rs. 28000/- for four months, which cannot be said to be on lower side.

9. On the basis of medical bills produced by the claimant vide Ex.A-12 to A-24, an amount of Rs.9,407/- has properly been granted for treatment expenses. Further the amounts granted for transportation charges (Rs.10000), nutritious food (Rs.5000), attendant charges (Rs.5000) and pain and suffering (Rs. 25,000) also cannot be said to be meagre.

10. In view of the above discussion, it cannot be said that award granted by the Tribunal is neither inadequate nor legally unsustainable. Hence, I am not inclined to interfere with the impugned award.

11. Accordingly, the appeal has no merit and is dismissed.

Sd/-
Sanjay Kumar Jaiswal
Judge

Rao