CGHC010068992023 2026:CGHC:43075

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 321 of 2023

1 - Rudramani Sahu S/o Prakash Sahu, Aged About 6 Years Through His Natural Guardian Father Prakash Sahu S/o Shatruhan Sahu Aged About 35 Year R/o Shanti Nagar, Ward No. 1, P.S. Sakri District Bilaspur Chhattisgarh.

... Appellant

versus

1 - Vikram Gandharv S/o Baldau Ram Gandharv, Aged About 22 Years R/o Village Chirra, Post Kabirdham, Police Station Kabirdham, District Kabirdham Chhattisgarh (Driver Of The Motor Cycle No. CG-09 JH-2580, Wrongly Written As No. CG-09 JH-8055),

2 - Dilip Kumar S/o Puniram, R/o Budhwara Kabirdham, Police Station Kabirdham, District Kabirdham Chhattisgarh (Owner Of The Motor Cycle No. CG-09 JH-2580, Wrongly Written As No. CG-09 JH-8055),

3 - Branch Manager, Tata AIG General Insurance Company Limited, Through Branch Office No. T/8, Fourth Floor, Gwalani Chamber, Vyapar Vihar, Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh Police Station Kabirdham, District Kabirdham Chhattisgarh Motor Cycle No. No. CG-09 JH-2580),

... Respondents

For Appellant/Claimant	:	Mr. Mohd. Parvez Khan, Advocate.
For Respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Ms. Harneet Kaur Khanuja, Adv. on behalf of Mr. Sourabh Sharma, Adv.

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Date: 2026.10.06 10:12:48 +0530

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(05.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 28.09.2022, passed in Claim Case No. 93/2020, whereby the learned Claims Tribunal awarded a total sum of Rs. 3,22,476/- as compensation to the claimant/appellant for the injuries sustained in a road accident that took place on 16.11.2019.

2. Learned counsel for the appellant submits that the appellant is a 6-year-old minor who sustained grievous head and leg injuries in the subject accident, necessitating plastic surgery of the head. In light of the severity of these injuries, the compensation awarded by the learned Claims Tribunal under various heads, specifically towards the loss of income of the father (during treatment), pain and suffering, special diet, and transportation, is disproportionately low and warrants a substantial enhancement. Furthermore, the learned Tribunal erred by failing to award any amount toward future medical expenses, and the compensation granted under all remaining heads is grossly inadequate. Consequently, it is respectfully prayed that the instant appeal be allowed and the compensation awarded by the Claims Tribunal be suitably enhanced.

3. Learned counsel for respondent No. 3 would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In the present case, a perusal of the documents on record

indicates that the appellant sustained injuries to his head and leg, but he has not produced any documents or a medical certificate establishing any permanent disability or bone fractures. As evidenced by Ex. P-12 to Ex. P-19 and Ex. P-24 to Ex. P-45, the appellant was admitted to Kalda Burn & Plastic Surgery Centre, Raipur (C.G.), from 17.11.2019 to 28.11.2019, i.e., about 12 days, during which he underwent treatment for his accident-related injuries and plastic surgery on his head. The appellant produced medical bills totalling Rs. 2,49,476/- (Ex. P-24 to Ex. P-45), which were duly considered by the Claims Tribunal. However, this Court observes that, apart from documented expenses, a victim inevitably incurs miscellaneous out-of-pocket expenses during hospitalisation and treatment for which formal receipts cannot be produced. The minor injured is a resident of Bilaspur district, and his treatment was done in Raipur. Consequently, in light of the facts and circumstances of the case, it is reasonable to enhance the amount on certain heads, and it is also appropriate to award Rs. 30,000/- towards medical expenses for future treatment.

6. Accordingly, in light of the aforesaid discussion, this Court is calculating the compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Towards the loss of income to the father of the appellant (during treatment)	Rs. 25,800/-	Rs. 50,000/-
2.	Towards Mental and physical agony	Rs. 25,000/-	Rs. 50,000/-
3.	Towards Special diet	Rs. 20,000/-	Rs. 40,000/-
4.	Towards Transport expenses	Rs. 2,200/-	Rs. 25,000/-
5.	Towards Medical expenses	Rs. 2,49,476/-	Rs. 2,50,000/-
6.	Towards medical expenses for future treatment	Nil	Rs. 30,000/-

	Total	**Rs. 3,22,476/-**	**Rs. 4,45,000/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.3,22,476/- awarded by the Claims Tribunal is enhanced to Rs.4,45,000/-. Hence, after deducting the amount of Rs.3,22,476/-, the appellant is held entitled for an additional amount of **Rs.1,22,524/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

9. The Registry is directed to communicate the claimant in writing "the enhanced amount" in this appeal as against the award made by the concerned Tribunal. 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

H.L. Sahu