SHUBHAM SINGH RAGHUVANSHI
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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1239 of 2024

Ravindra Bashani S/o Gopichand Aged About 39 Years Purana Bus Stand Pendra, P.S. And Tahsil Pendra, District : Gaurela-Pendra-Marwahi, Chhattisgarh

... Appellant

versus

1 - Sunil Kumar Raidas S/o Shankar Prasad Raidas Aged About 25 Years R/o Village Kharpa, Byohari, District : Shahdol, Madhya Pradesh

2 - Raghunath S/o P.D. Agrawal Aged About 28 Years R/o Banjari Mandir, T.P. Nagar, Rawabhatha, Raipur, District : Raipur, Chhattisgarh

3 - The Oriental Insurance Company Limited Branch Office, Bilaspur, District : Bilaspur, Chhattisgarh

--- **Respondent(s)**

For Appellant : Mr. F.S. Khare, Advocate

For Respondent No. 3 : Mr. Pravin Kumar Tulsyan, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(02.11.2026)

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 12.02.2024, passed in Claim Case No.32/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.1,41,855/- to the appellant for the injuries sustained by him in a road accident which took place on 25.01.2020.

2. Learned counsel for the injured/appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation. In the said accident, the injured/appellant sustained fracture on his left hand. The Tribunal has not granted any amount towards loss of income during treatment. He further submits that no amount has been awarded under the head of future treatment. Hence, the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for the respondent No. 3 / Insurance Company would submit that the Claims Tribunal, after appreciating the oral and documentary evidence available on record, has rightly awarded the compensation amount. The impugned award 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. On perusal of the record, it appears that due to the said accident, the appellant/claimant sustained a fracture on

his left hand. The fracture would certainly be a reason for loss of income to some extent during treatment. The Tribunal has not awarded any amount under this head. Hence, Rs. 30,000/- is held to be just and proper to be awarded to him under the head of loss of income during treatment. Furthermore, no amount has been awarded by the Tribunal under the head of future treatment. As the appellant sustained a fracture and would have to visit the doctors time and again, therefore, Rs. 15,000/- is held to be just and proper to be awarded under this head.

6. The injured/appellant is a resident of Pendra and was treated at Apollo Hospital, Bilaspur. He has incurred substantial expenditure on treatment. Considering the same, under the head of medical bills/treatment, the Claims Tribunal has awarded Rs. 1,37,855/-, which is enhanced to Rs. 1,40,000/-, since there are certain bills which could not be preserved. Under the head of transportation, Rs. 1,000/- has been awarded, which is enhanced to Rs. 20,000/-. Under the head of special diet, Rs. 1,000/- has been awarded, which is enhanced to Rs. 10,000/-. Under the head of pain and suffering, Rs. 2,000/- has been awarded, which is enhanced to Rs. 25,000/-.

7. Thus, in light of the aforesaid discussion, this Court is computing the compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Medical	Rs.	Rs.1,40,000/-

	Bills/Treatment	1,37,855/-	
2.	Transportation	Rs. 1,000/-	Rs.20,000/-
3.	Special Diet	Rs.1,000/-	Rs.10,000/-
4.	Pain and suffering	Rs. 2,000/-	Rs.25,000/-
5.	Loss of income during treatment	NA	Rs. 30,000/-
6.	Future treatment	NA	Rs.15,000/-
	Total	Rs.**1,41,855**/-	Rs.**2,40,000**/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.1,41,855/- awarded by the Claims Tribunal is enhanced to Rs.2,40,000/-. Hence, after deducting the amount of Rs.1,41,855/-, the appellant is held entitled for an additional amount of Rs.**98,145**/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

10. 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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

-Shubham