CGHC010220272024 2026:CGHC:47099

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1360 of 2024

1 - Chandra Kumar Nishad S/o Sukhau Ram Nishad, Aged About 24 Years R/o Baiharghat, Tahsil/thana-Berla, District Bemetara C.G.

... Appellant(s)

versus

1 - Ravi Sharma S/o. Chandan Sharma, R/o Village Banjari, Thana Rohtash, District Rohtash (Bihar).

2 - Tasu Transport Through Proprietor Bipendra Kumar Singh S/o Harendra Kumar Singh, Aged About 38 Years, R/o Flat No. 406, Harshid Diamond Tower, District Raipur C.G.

3 - Branch Manager, The New India Insurance Comapny Limited, Branch Office -2nd Floor, Simran Tower, In Front Of L.I.C. Building, Pandri, Raipur, Tahsil/district Raipur C.G.

... Respondent(s)

For Appellants/Claimants	:	Mr. Arvind Prasad, Advocate.
For Respondent No. 3	:	Mr. Mohd. Azad Siddiqui, Advocate.
For Other respondents	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(16.11.2026)

1. Heard on I.A. No. 01/2024, application under Section 5 of the Limitation Act for condonation of delay in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 34 days in filing the appeal is hereby condoned.

3. Also heard on admission.

4. Admit.

5. With the consent of learned counsel for the parties, the case is heard finally.

6. 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 compensation amount awarded vide the impugned award dated 24.02.2024, passed in M.A.C.C. No. 1135/2021, whereby the learned Claims Tribunal awarded a total sum of Rs. 1,04,817/- as compensation for the injuries sustained by the claimant/appellant in a road accident that took place on 10.02.2021.

7. Learned counsel for the appellant submits that the appellant sustained grievous injuries to his head and fracture in the right leg in the accident and continues to suffer from the effects of those injuries. He further submits that the amounts awarded towards medical expenses, pain and suffering, transportation charges, special diet, attendant charges, and other heads are also on the lower side. It is, therefore, prayed that the present appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

8. Learned counsel for respondent No.3/insurance company 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.

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

10. In the case at hand, a perusal of the discharge card (Ex. P-6) available on record indicates that the appellant sustained

multiple facial injuries, including a fracture. As is evident from Ex. P-6 and Ex. P-8, the appellant remained admitted to SRS Multispeciality Hospital, Bemetara, from 11.02.2021 to 19.02.2021, where he underwent surgical treatment for the injuries sustained in the accident. The appellant produced medical and hospital bills amounting to Rs. 65,017/- (Ex. P-16 to Ex. P-42), which were duly taken into consideration by the Claims Tribunal. However, this Court is of the view 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. Accordingly, this Court considers it just and reasonable to enhance the compensation amount from Rs. 1,04,817/- to a lump sum of Rs. 1,50,000/-. The impugned award stands modified to the aforesaid extent.

11. Hence, after deducting the amount of Rs.1,04,817/-, the appellant is held entitled for an additional amount of **Rs.45,183/-**. 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.

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

13. The Registry is directed to communicate the claimants 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

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