CGHC010264952025 2026:CGHC:46652

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1354 of 2025

1 - Umesh Kumar Yadav S/o Rupchand Yadav Aged About 29 Years R/o Village- Ganiyari, Chorbhatti Kala, Tahsil - Takhatpur, Police Station - Takhatpur, District- Bilaspur (C.G.)

... Appellant

versus

1 - Indramani S/o Ramcharan Urao Aged About 32 Years R/o Budhar, Kadampara, Police Station - Patna, District- Koriya (C.G.) Present Address - Ward No. 39, Domanhill Chirmiri, District- Koriya (C.G.)

2 - Sushila Devi W/o Paras Nath Singh R/o Ward No. 35, Subhash Colony, Domanhill, Chirmiri, District- Koriya (C.G.)

3 - The New India Insurance Company Limited Through Divisional Manager, Divisional Office-Rama Trade Centre, 2nd Floor, In Front Of Rajiv Plaza, Old Bus Stand, Bilaspur (C.G.)

... Respondents

For Appellant	: Mr. Akash Shrivastava, Advocate
For Respondents No. 1 & 2	: Mr. Arvind Prasad, Advocate
For Respondent No. 3	: Mr. B.N. Nande, Adv. with Ms. Anajali Nayak, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

04/11/2026

1. Heard on I.A. No.01/2025, for condonation of delay in filing the

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appeal.

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

3. Upon due consideration, I.A. No. 01/2025 is allowed and the delay of 38 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 04.01.2025 passed by the 6th Additional Motor Accident Claims Tribunal, District Bilaspur (CG) in Motor Accident Claim Case No. 379/2020, whereby a total compensation of ₹1,90,000/- has been awarded for the injuries sustained by the appellant in a road accident that occurred on 07.05.2019.

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

S.N.	**Heads**	**Awarded Compensation**
1	Towards Treatment and medicine expenses	1,00,000/-
2	Towards loss of income	50,000/-
3	Towards special diet	10,000/-
4	Towards physical and mental agony	15,000/-
5	Towards transport expenses	5,000/-
6	Towards Attendant	10,000/-
	Total Awarded Amount	**Rs.1,90,000/-**

7. Learned counsel for the appellant submits that the Tribunal has erred in not accepting the appellant's claim that he was earning

₹15,000/- per month from his driving work, Ex.P-33 produced to this effect. It is further contended that the appellant suffered a grievous injuries on his head, ear, nose, right leg, both thigh and other parts of the body, 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. On the other hand, learned counsel for the respondents supported the impugned award.

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

10. The claimed monthly salary of ₹15,000 has been disbelieved. It is noteworthy that the injured appellant has been stated to be working as a driver and a salary certificate Ex.P-33 has been produced; however, the person who issued the salary certificate has not been examined to substantiate his claim. 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 ₹10,000 per month.

11. So far as compensation awarded on other heads is concerned, the Tribunal, upon appreciation of the evidence on record, has found that the appellant has not produced any admission or discharge ticket from the hospital, nor has he produced any documents or a medical certificate establishing any permanent disability. Furthermore, although the appellant has produced medical bills, i.e., Ex.P-5 to Ex. P-32, totalling Rs. 1,13,474/-,

no prescriptions have been produced with regard to Ex.P-9 to P-14 and Ex. P-29; therefore, the Tribunal has awarded a lump sum amount of Rs. 1,00,000/- for medical expenses and Rs. 50,000/- has been awarded towards loss of income during treatment for five months.

12. In view of the aforesaid facts and upon a careful examination of the evidence on record, and further considering the overall injuries, no permanent disability, no fracture 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