CGHC010323672024 2026:CGHC:46776

PRASHANT DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1852 of 2024

Smt. Rekha Sahu W/o Shri Nakul Sahu Aged About 35 Years R/o Village Sargaon Tahsil And District - Mungeli, Currently Residing At Tifra P.S. Sirgitti, District Bilaspur (C.G.),...(Claimant)

... Appellant

versus

1 - Dhal Singh Thakur S/o Shri Churan Singh Thakur Aged About 28 Years R/o Village Mundarai Tola Salhekhurd, Barghat, P.S. Seoni, District Seoni (M.P.), (Driver Of Vehicle No. M.H.-04-H.Y.-5810)

2 - Shankarlal Jugraj Sharma S/o Shri Jugraj Sharma Aged About 45 Years R/o H.No. 303, Building No. 05, Phase No. 03, Brahmand, Thane, District Thane (M.H.) 400607, (Owner Of Vehicle No. M.H.-04-H.Y.-5810)

3 - Royal Sundaram General Insurance Company Limited Through The Branch Manager Regional Office - First Floor, In Front Of Rajiv Plaza, Rama Trade Centre, Bilaspur, District Bilaspur (C.G.), (Insurer Of Vehicle No. M.H.-04-H.Y.-5810)

... Respondent(s)

For Appellant	:	Mr. J.N. Nande, Advocate
For Respondent No.3	:	Mr. Anupam Dubey, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(04/11/2026)

1. Heard on admission.

2. Admit.

3. With the consent of both the parties, the matter is heard finally.

4. This is the claimant's appeal for enhancement against the award dated 29/06/2024 passed by the learned Eighth Additional Motor Accident Claims Tribunal, Bilaspur, District-Bilaspur (C.G.) in Motor Accident claim case No. 413/2021 whereby a compensation amount of Rs. 91,300/- has been awarded in favour of the claimant.

5. Learned counsel for the appellant submits that the learned Claims Tribunal has erred in awarding lesser compensation in the facts and circumstances of the case. It is submitted that the learned Claims Tribunal has awarded a total sum of Rs.91,300/-, comprising Rs.82,300/- towards medical and treatment expenses, Rs.2,000/- towards physical and mental pain and suffering and Rs.7,000/- towards special diet. It is further submitted by learned counsel for the appellant that the injured had undergone treatment at S.K.B. Multispecialty Hospital and Trauma Care Centre, Bilaspur for 7 days. It is further submitted that the deceased had sustained injuries to the waist, hands, and back of the head, for which surgical procedures were performed and stitches were applied. Therefore, the amount awarded under the other heads of compensation is on the lower side and deserves to be enhanced suitably. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

6. On the other hand, learned counsel appearing 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.

7. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the

records with utmost circumspection.

8. In the case at hand, a perusal of the documents on record indicates that the appellant had sustained injuries to the waist, hands, and back of the head, for which surgical procedures were performed and stitches were applied. The appellant had undergone treatment at S.K.B. Multispecialty Hospital and Trauma Care Centre, Bilaspur, for a period of seven days. There is no evidence of any permanent disability or grievous injury. The learned Claims Tribunal has awarded a sum of Rs.82,300/- towards medical and treatment expenses, Rs.2,000/- towards physical and mental pain and suffering, and Rs.7,000/- towards special diet. However, this Court is of the view that, apart from the documented medical expenses, a victim inevitably incurs miscellaneous out-of-pocket expenses during hospitalisation and treatment, for which formal receipts may not always be available.

9. Accordingly, it would be just and reasonable to enhance the compensation under the other head of medical expenses. Considering the nature of injuries sustained by the injured, the duration of treatment, the fact that the injured remained admitted for about 07 days in hospital and the expenses and inconvenience necessarily incurred during the course of treatment, this Court is of the view that the compensation awarded under the medical and treatment expenses and physical and mental pain requires suitable enhancement. Accordingly, the amount awarded towards medical and treatment expenses is enhanced from Rs.82,300/- to Rs.85,000/-, and the amount awarded towards physical and mental pain and suffering is enhanced from Rs.2,000/- to Rs.10,000/-. Further, considering that the injured remained hospitalised for seven days, a sum of Rs.10,000/- is awarded towards attendant charges and transportation expenses. The amount awarded towards special diet is, however, found to be just and proper and does not warrant any interference.

Accordingly, the impugned award stands modified to this extent.

10. Thus, 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 medical expenses	Rs. 82,300/-	Rs. 85,000/-
2.	Towards special diet	Rs. 7,000	Rs. 7,000/-
3.	Towards Pain and suffering	Rs. 2,000/-	Rs. 10,000/-
4.	Towards attendant charges and transportation	Nil	Rs. 10,000/-
	Total	**Rs. 91,300/-**	**Rs. 1,12,000/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs.91,300/- awarded by the Claims Tribunal is enhanced to Rs.1,12,000/-. Hence, after deducting the amount of Rs.91,300/-, the appellant is held entitled for an additional amount of **Rs.20,700/-**. 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 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

Prashant