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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1663 of 2025

Shyamlal Nayak Alias Samlal Halba S/o Shri Bharat Nayak, Aged About 51 Years R/o Padargan, District Navrangpur Odisha.(Claimant)

... Appellant

versus

1 - Vinay Bhojwani Alias Binu S/o Shri Premchand Bhojwani, Aged About 28 Years R/o Lalbag Patharguda, Near Damru Panthel, Jagdalpur District Bastar (Chhattisgarh).....Driver

2 - Manish Bhojwani S/o Shri Premchand Bhojwani, Aged About 31 Years R/o Lalbag Patharguda, Near Damru Panthel, Jagdalpur, District Bastar Chhattisgarh.....(Owner)

3 - The Oriental Insurance Company Limited, Through Branch Manager, Hotel Laxman Avenue, Moorti Line Jagdalpur, District Bastar (Chhattisgarh).....Insurer

--- **Respondent(s)**

For Appellant	:	Mr. Shikhar Shukla, Advocate
For Respondent No. 3	:	Mr. Hanuman Prasad Agrawal, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(05.11.2026)

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 26.04.2025, passed in Claim Case No.136/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.82,917/- to the appellant for the injuries sustained by him in a road accident which took place on 20.03.2020.

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 grievous injuries and also sustained a fracture on his skull. He was admitted in hospital for about 7 days. The Tribunal has granted only Rs. 82,917/- towards medical expenses and has not granted any amount towards pain and suffering, attendant, special diet and transportation, loss of income during treatment and future medical expenses. 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 skull. 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. 35,000/- 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 heads of pain and suffering, attendant, special diet and transportation, and future medical expenses. The injured/appellant was admitted in the hospital for about 7 days. Looking to the injuries sustained by him, Rs. 25,000/- towards pain and suffering, Rs. 25,000/- towards attendant, special diet and transportation, and Rs. 20,000/- towards future medical expenses are held to be justified to be awarded to him.

6. 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 Expenses	Rs. 82,917/-	Rs.82,917/-
2.	Attendant, special diet & transportation	NA	Rs.25,000/-
4.	Pain and suffering	NA	Rs.25,000/-
5.	Loss of income during treatment	NA	Rs. 35,000/-

6.	Future treatment	NA	Rs.20,000/-
	Total	**Rs.82,917**/-	**Rs.1,87,917**/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.82,917/- awarded by the Claims Tribunal is enhanced to Rs.1,87,917/-. Hence, after deducting the amount of Rs.82,917/-, the appellant is held entitled for an additional amount of Rs.**1,05,000/-**. 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.

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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

-Shubham