



2026:CGHC:3772

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 648 of 2021**

- Raju Patel S/o Sakhi Rathi Patel Aged About 26 Years R/o Navagaon Tehsil - Kharsiya District - Raigarh Chhattisgarh (Claimant)

**... Appellant(s)****versus**

1. Gautam Soni S/o Mahesh Prasad Soni Aged About 25 Years (Wrongly Mentioned As 2 Years) R/o- Gopal Rise Mill, Dabhra Road, Kharsiya District Raigarh Chhattisgarh (Driver)
2. Surendra Prasad Gupta S/o - Ramratan Gupta Aged About (Not Known) R/o- Pandri Raipur District - Raipur Chhattisgarh. (Owner)
3. The New India Insurance Company Limited Through Branch Manager, New India Insurance Company Limited, Kevdabadi, Bus Stand, Raigarh Chhattisgarh. (Insurance Company), District : Raigarh, Chhattisgarh

**... Respondent(s)**

For Appellant	:	Mr. Amit Sharma, Advocate
For Respondent No.1 & 2	:	None, though served
For Respondent No.3	:	Mr. Pankaj Agrawal, Advocate

**Hon'ble Shri Justice Rakesh Mohan Pandey****Judgment On Board****22.1.2026**

- 1) Claimant-appellant has filed this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'Act of 1988') for enhancement



of the compensation, challenging the impugned award dated 22.2.2021 passed by Seventh Additional Motor Accident Claim Tribunal, Raigarh in Claim Case No. 24/2018, whereby learned Tribunal has awarded compensation of Rs. 12,71,702/- with interest @ 7.5% per annum on account of injuries sustained by the appellant.

- 2) The case in brief is that on 19.6.2016 at about 6:30 pm, claimant /appellant herein was going on his motorcycle towards Village Chaple and when he reached Robertson Canal, the offending vehicle – Bolero bearing registration No. CG-04-HB-8234 being driven in rash and negligent manner dashed the motorcycle. In the accident, claimant sustained serious injuries which resulted in permanent disability to the extent of 60%.
- 3) Appellant himself had filed an application under Section 166 of the Act of 1988 seeking total compensation of Rs.59,72,000/- and pleaded that he was working on the post of Driver at St. John School, Kharsiya and was earning Rs. 10,000/- per month. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.
- 4) Learned Counsel appearing for the appellant submits the during pendency of claim petition, an application under Order 6 Rule 11 of CPC was moved wherein it was stated that injuries sustained by the claimant resulted in amputation of right leg below knee, thus taking into account the occupation of claimant, the appropriate



extent of permanent disability would be 100%, but the learned Tribunal assessed permanent disability only 60%. He further submits that learned Tribunal has considered the monthly income of claimant to be Rs. 6,000/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. He also submits that under conventional heads, learned Tribunal has awarded meager amounts. He prays to modify the award accordingly.

- 5)** On the other hand, learned counsel appearing for respondent no. 3/ Insurance Company opposes the prayer made by the learned counsel for the appellant/claimant and submits that claimant failed to lead cogent evidence to prove his monthly income. He further submits that claimant failed to exhibit appointment order or salary slip or bank pass-book to establish the fact that he was working in said institution. He contends that the amount of compensation awarded by the learned Tribunal to the claimant cannot be said to be on lower side, rather it is just and proper in the given facts and circumstances of the case and does not call for any interference.
- 6)** I have heard learned counsel for the parties at length, considered their rival submissions and perused the records with utmost circumspection.
- 7)** Admittedly, claimant suffered permanent disability to the extent of 60% and Medical Board issued Unique Disability ID (Ex. P-179 C) in this regard. Claimant examined Dr. R.K. Gupta (AW/2) who



proved that Unique Disability ID was issued by the competent authority. With regard to occupation, claimant failed to adduce documentary evidence. It is simply stated that claimant was a driver working with St. John School, Kharsiya but he could not produce appointment order or salary slip or bank pass-book to substantiate that he was working with said institution and used to receive regular salary. Only on the basis of driving license, it cannot be presumed that claimant was a driver employed in an institution.

- 8) Evidently, the accident took place on 19.6.2016 whereas claimant's right leg below knee was amputated on 1.11.2019 ; claimant failed to examine the treating doctor to prove the fact that amputation was result of the accident which took place more than three ago. Thus, claimant failed to prove the nexus between the accident and amputation, therefore learned Tribunal rightly assessed the permanent disability to the extent of 60%.
- 9) However, while computing loss of earning, learned Tribunal has assessed the notional monthly income of the claimant to be Rs. 6,000/- per month which is certainly on the lower side. The minimum wages payable to an unskilled laborer in July, 2019 was Rs. 6,550/- and learned Tribunal ought to have taken this figure into account while computing loss of earning. Also, learned Tribunal has not awarded separate compensation towards special diet and attendant charges.
- 10) Thus, in light of the aforesaid discussion this Court is computing



the compensation as below:

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation awarded by Tribunal</b>	<b>Compensation awarded by this Court</b>
1.	Loss of earning (on account of permanent disability to the extent of 60%)	Rs. 10,28,160/- (@ Rs. 6,000 pm)	Rs. 11,22,408/- (@ Rs. 6,550/- pm)
2.	Medical bills	Rs. 1,13,542/-	Rs. 1,13,542/-
3.	Pain and suffering	Rs. 1,00,000/-	Rs. 1,00,000/-
4.	Special Diet	NIL	Rs. 30,000/-
5.	Attendant	NIL	Rs. 30,000/-
6.	Transportation	Rs. 30,000/-	Rs. 30,000/-
	<b><u>TOTAL</u></b>	<b>Rs. 12,71,702/-</b>	<b>Rs. 14,25,950/-</b>

**11)** Accordingly, the amount of compensation of Rs.12,71,702/- awarded by the learned Tribunal is enhanced to Rs.14,25,950/-. Hence, the appellants are entitled for an additional amount of **Rs. 1,54,248/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.

**12)** Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
**(Rakesh Mohan Pandey)**  
JUDGE

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