



2026:CGHC:20156

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1702 of 2019**

**1** - Kanhaiya Lal Markam S/o Shri Sukh Lal Markam Aged About 30 Years  
Occupation Labour, R/o Village Markatola, Post Vasudi, Police Station  
Ambagarh Chowki, District Rajnandgaon Chhattisgarh. (Claimant).

**--- Appellant**

**versus**

**1** - Tomen Lal Nirmalker S/o Baratulal Nirmalker Aged About 23 Years R/o  
Ward No. 4, Near Dau Kirana Stores, Ambagarh Chowki, District  
Rajnandgaon Chhattisgarh. (Driver), District : Rajnandgaon, Chhattisgarh  
**2** - Chagan Lal Banjare S/o Nathiram Banjare Aged About 35 Years At  
Present R/o Ward No. 13, Subhash Chowk, Ambagarh Chowki, Police  
Station And Tahsil Ambagarh Chowki, District Rajnandgaon Chhattisgarh.  
R/o Manjhipara, Post - Kanker, Police Station Kanker, Tahsil And District  
Kanker Chhattisgarh 494334. (Owner), District : Kanker, Chhattisgarh  
**3** - National Insurance Company Ltd. Through Its Branch Manager,  
Branch Office Kamthi Line, Tahsil And District Rajnandgaon Chhattisgarh.  
(Insurance Company), District : Rajnandgaon, Chhattisgarh.

**--- Respondent(s)**

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For Appellant : Ms. Richa Pandey, Advocate  
For Respondent No. 3 : Mr. Shivendu Pandya, Advocate

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**SB - Hon'ble Shri Justice Sanjay K. Agrawal**

**Judgment on Board**

**30.04.2026**

1. The instant appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellant/claimant against the impugned award dated 15/05/2019 (Annexure A/1) passed by learned Additional Motor Accident Claims Tribunal (FTC), Rajnandgaon in Claim Case No. 07/16 seeking enhancement of compensation awarded by the Claims Tribunal for the injuries suffered by him.
2. Learned counsel for the appellant/claimant would submit that the Claims Tribunal has assessed the monthly income of the appellant as Rs. 4,500/- whereas it should be Rs. 5,167/- as per the minimum wage notification. Further, the Tribunal has erred in not granting future prospect whereas it ought to have granted 40% future prospect, thus, the amount of compensation awarded by the Tribunal may suitably be enhanced.

- 3.** Learned counsel for respondent No. 3/Insurance Company would support the impugned award and submit that the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.
- 5.** A careful perusal of the award would show that the Claims Tribunal has erred in assessing the monthly income of the appellant as Rs. 4,500/- which should be Rs. 5,167/- as per the minimum wage notification and further the Claims Tribunal ought to have granted 40% future prospect while calculating loss of income.
- 6.** In view of the aforesaid, compensation is calculated below :-

<b>Heads of Compensation</b>	<b>Compensation awarded by the Tribunal</b>	<b>Compensation awarded by this Court</b>
Loss of Income	Rs. 4,500/- x 12 = Rs. 54,000/- x 40% (disability) Rs. 21,600/- x 17 (multiplier) Rs. 3,67,200/-	Rs. 5,167/- x 12 = Rs. 62,004/- x 40% (disability) = Rs. 24,801/- x 40% (future prospect) = Rs. 9,920/- Rs. 24,801/- + Rs. 9,920/- = Rs. 34,721/- x 17 =

		Rs. 5,90,267/-
Loss of income during treatment	Rs. 9,000/-	Rs. 10,300/-
Medical Bills	Rs. 2,006/-	Rs. 2,006/-
Pain and Suffering	Rs. 25,000/-	Rs. 50,000/-
Special Diet, Travelling Expense, Attendant	Rs. 25,000/-	Rs. 50,000/-
<b>Total</b>	<b>Rs. 4,18,206/-</b>	<b>Rs. 7,02,573/-</b>

7. In view of the aforesaid analysis, the amount of compensation of Rs. 4,18,206/- awarded by the Claims Tribunal is enhanced to **Rs. 7,02,573/-**. Hence, the appellant/claimant is held entitled for an additional compensation of **Rs. 2,84,367/-**. Respondent No. 3 is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 7% *per annum* from the date of filing of claim application before the Tribunal i.e. 05/01/2016 till its realization. Rest of the conditions of the impugned award shall remain intact.

8. Accordingly, this appeal is allowed and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
(Sanjay K. Agrawal)  
Judge