



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**DIVISION BENCH**

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**Coram : HON'BLE SHRI RAJEEV GUPTA, C.J. &  
HON'BLE SHRI SUNIL KUMAR SINHA, J.**

**M.A.C.(PR) No. 13 of 2008**

**APPELLANT  
APPLICANT**

**M A C 616 / 08**

Mukesh Agrawal aged 39 years  
S/o Shri Ramgopal Agrawal  
resident of Qr. No. 16B, Street 5,  
Sector - 1, Bhilai, Tahsil & Distt.  
Durg (C.G.)

**Versus**

**RESPONDENTS/  
NON-APPLICANTS**

1. Santosh Kumar Mishra S/o Dharm Raj Mishra aged 29 years, resident of Qr. No. MIG 1375, Aditya Nagar, Durg (C.G.)
2. Smt. Sushila Mishra W/o Dharm Raj Mishra, resident of Qr. No. MIG 1375, Aditya Nagar, Durg (C.G.)
3. The Oriental Insurance Company, Malviya Nagar, Durg (C.G.)

**Appeal under Section 173 of the Motor Vehicles Act, 1994**

**Present : Shri Manoj Paranjape and Shri V.A. Goverdhan, learned  
counsel for the appellant.**

**ORDER**

**(30<sup>th</sup> April, 2008)**

The following order of the Court was passed by  
**Rajeev Gupta, C.J.**

Learned counsel for the appellant are heard on admission.

2. Appellant – Mukesh Agrawal is seeking enhancement of the compensation awarded by Twelfth Additional Motor Accident Claims



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Tribunal, (F.T.C.) Durg (for short "the Tribunal") vide award dated 12-09-2007, passed in Claim Case No. 78/2007.

3. As against the compensation of Rs.30,95,895/-/- claimed by claimant – Mukesh Agrawal by filing a claim petition under Section 166 of the Motor Vehicles Act for the injuries sustained by him in the motor accident on 06-11-2005, the Tribunal awarded a total sum of Rs.2,47,930/- as compensation to the claimant along with interest @ 6% per annum from the date of filing the claim petition till the date of actual payment.

4. The Tribunal on a close scrutiny of the pleadings of the parties and the evidence led by them held that claimant – Mukesh Agrawal sustained injuries in the motor accident on 06-11-2005; the said injuries resulted in permanent disability to the extent of 20%; the accident occurred due to rash and negligent driving of the driver of the offending vehicle – Minidor bearing registration No. CG 07 T/0677; as the offending vehicle – Minidor, on the date of the accident, was insured with the Oriental Insurance Company, the Insurance Company was liable to pay compensation to the claimant.

5. Considering the number and nature of the injuries sustained by the claimant in the motor accident; the period during which the claimant remained hospitalized and bed-ridden on account of those injuries; the amount proved to have been spent on his treatment, the Tribunal awarded a sum of Rs.80,930/- towards medical expenses; Rs.1,25,000/- towards loss of future earning capacity on account of the permanent disability; Rs.5,000/- towards special diet; Rs.5,000/-



towards loss of income during the period the claimant remained hospitalized; Rs.20,000/- for pain and suffering; Rs.10,000/- for future treatment; and Rs.2,000/- towards conveyance and thus a total sum of Rs.2,47,930/- was awarded as compensation to the claimant.

6. Shri Manoj Paranjape and Shri V.A. Goverdhan, learned counsel for the appellant vehemently argued that the compensation of Rs.2,47,930/- awarded by the Tribunal is too low in comparison to the serious nature of the injuries sustained by the claimant in the motor accident.

7. The injuries sustained by claimant – Mukesh Agrawal in the motor accident resulted in permanent disability to the extent of 20% only. The claimant could not establish that on account of the injuries and the permanent disability suffered by him in the motor accident, he was rendered unfit to pursue his occupation.

8. The compensation of Rs.2,47,930/- when examined in the context of the above mentioned broad features of the case, we are satisfied, does not warrant any enhancement in this appeal.

9. As we do not find any scope for enhancement of the compensation awarded by the Tribunal, the appeal filed by the appellant/claimant for enhancement of the compensation is liable to be dismissed summarily.

10. The appeal, therefore, is dismissed summarily on merits notwithstanding that it is barred by time.

**Sd/-  
Chief Justice**

**Sd/-  
Sunil Kumar Sinha  
Judge**