NEUTRAL CITATION NO. 2025:MPHC-JBP:53200

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 17th OF OCTOBER, 2025

MISC. APPEAL No. 5735 of 2022

SANTOSH KUMAR CHOURASIA

Versus

CHEERONJILAL @ HALKE BHAIYA AND OTHERS

Appearance:

Shri Rajendra Yadav - Advocate for the applicant.

Shri Shyam Yadav – Advocate for respondent No.2.

Shri Gulab Chand Sohane – Advocate for respondent No.3.

ORDER

1. This miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988, has been filed against the award dated 06.09.2022, passed by the Motor Accident Claims Tribunal, Chhatarpur, in MACC No. 09/2022.

2. Since the occurrence of the accident on 22.10.2021 and the involvement of the offending vehicle are not in dispute, the detailed facts of the case are not being reproduced herein.

3. Learned counsel for the appellant submits that the learned Claims Tribunal erred in assessing the monthly income of the appellant/claimant at

Rs.6,000/-. It is contended that the injured was working as an agriculturist, and therefore, his income ought to have been assessed at Rs.8,800/- per month as on the date of the accident, i.e., 22.10.2021. It is further submitted that the Tribunal wrongly declined to consider Ex. P/13 (the hospital bill) on the ground that it did not bear the signature of the doctor or cashier.

4. Per contra, learned counsel for the respondent has supported the award passed by the Claims Tribunal.

5. I have considered the rival submissions advanced by learned counsel for the parties and have carefully perused the record.

6. Upon consideration, this Court finds merit in the submissions made by learned counsel for the appellant. Accordingly, the award passed by the Tribunal deserves to be modified as detailed below.

7. On perusal of Ex. P/13, it is evident that the bill bears the seal of the hospital's cashier and contains the requisite signature. Furthermore, the discharge ticket (Ex. P/9) clearly indicates that the injured was admitted on 28.10.2021 and discharged on 03.11.2021, and that surgery was performed during the course of hospitalization. Therefore, the reason assigned by the Tribunal for discarding Ex. P/13 is not justifiable. The bill is duly proved and is liable to be considered towards medical expenses.

8. The learned Tribunal assessed the monthly income of the appellant at Rs.6,000/- on the assumption that he was a skilled worker. However, the appellant, in his deposition, has stated that he was engaged in repairing government hand pumps and undertook agricultural activities, earning between Rs.10,000/- to Rs.12,000/- per month. This assertion remained uncontroverted during the proceedings. In my view in absence of documentary evidence, his income should be assessed as a unskilled labor. As per the applicable Minimum Wages Notification in force on the date of the accident (22.10.2021), the income of a skilled worker was Rs.8,800/- per month. In the absence of contrary evidence and considering the nature of work performed by the appellant, his income ought to have been assessed at Rs.8,800/- per month.

Head	Awarded by the Tribunal	Re-assessed by this Court
Monthly Income	Rs. 6,000/-	Rs.8,800/-
Loss of Income during Treatment (3 months)	Rs.18,000/-	Rs.26,400/-
Medical Expenses (Ex. P/13)	Not considered	Rs.95,000/-
Diet & Transportation	Rs.15,000/-	Rs.15,000/-
Other Incidental Expenses / Misc. Heads	Rs.60,000/-	Rs.60,000/-
Total Compensation	Rs.93,000/-	Rs.1,96,400/-

9. Accordingly, the impugned award passed by the learned Motor Accident Claims Tribunal is modified to the extent that the appellant/claimant shall be entitled to a total compensation of Rs.1,96,400/- (Rupees One Lakh Ninety-Six Thousand Four Hundred only), in place of Rs.93,000/- awarded by the Tribunal.

10. The enhanced compensation of Rs.1,03,400/- (i.e., Rs.1,96,400/- minus Rs.93,000/-) shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of actual realization.

11. The Insurance Company is directed to deposit the enhanced amount of Rs.1,03,400/-, along with accrued interest, before the learned Claims Tribunal within a period of six weeks from the date of receipt of a certified copy of this judgment.

12. The Insurance Company shall first satisfy the award by depositing the enhanced amount and interest as directed above and shall thereafter be entitled to recover the same from respondent Nos. 1 and 2 (i.e., the owner and driver of the offending vehicle), in accordance with law.

13. (i) On such deposit, the claimant is permitted to withdraw the amount with accrued interest and costs, by filing a proper application before the tribunal.

(ii) The record be sent back to the learned Tribunal within three weeks from this day.

(iii) As a consequence, interlocutory applications pending consideration, if any, shall stand closed.

(PRADEEP MITTAL)
JUDGE

Praveen