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MA-2841-2011

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 29th OF SEPTEMBER, 2026

MISC. APPEAL No. 2841 of 2011

CNR No.: MPHC010288172011

SURAJ PRASAD CHAKRAVERTI

Versus

SUKHCHAIN KUDAPE, AND OTHERS

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Appearance:

Shri Ramprakash Shivhare counsel for appellant.

Shreyash Pandit, learned counsel for the respondent Nos. 1 and 2.

Kuldeep Rathore, learned counsel for the respondent No.3/Insurance
Company.
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ORDER

This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant/claimant being aggrieved by the award dated 29.03.2011 passed by the 17th Upper Motor Accident Claims Tribunal, Jabalpur in Claim Case No.37/2009, whereby the learned Tribunal has awarded a total compensation of Rs.63,970/- to the appellant/claimant.

2. Brief facts of the case are that the appellant sustained injuries in a motor accident and suffered fracture of the patella bone. He was admitted to various hospitals and underwent prolonged treatment. The appellant claimed compensation for the injuries, medical expenses and permanent disability suffered by him. The learned Tribunal, after considering the evidence



available on record, awarded compensation of Rs.63,970/- towards medical expenses and declined to accept the claim of permanent disability. Being dissatisfied with the quantum of compensation awarded by the learned Tribunal, the appellant has preferred the present appeal.

3. Learned counsel for the appellant submits that the compensation awarded by the learned Tribunal is grossly inadequate and does not commensurate with the nature and gravity of the injuries sustained by the appellant. He further submits that the learned Tribunal has not properly appreciated the testimony of Dr. Navin Kothari, who assessed the permanent disability of the appellant at 60%. It is further submitted that the appellant produced medical bills relating to his prolonged treatment as well as various investigation reports, but the learned Tribunal has not properly appreciated the same. Learned counsel also submits that the appellant sustained fracture of the patella bone and was admitted to various hospitals for prolonged treatment. However, the learned Tribunal has failed to properly assess the injuries and the expenses incurred by the appellant and has consequently awarded inadequate compensation. It is, therefore, prayed that the compensation be suitably enhanced.

4. Per contra, learned counsel appearing for the respondent/Insurance Company supports the impugned award and submits that the learned Tribunal has rightly assessed the compensation and has assigned cogent reasons for not accepting the claim of permanent disability. He further submits that the appellant has failed to establish his case by reliable evidence and that the learned Tribunal has rightly awarded



compensation towards medical expenses. It is, therefore, prayed that the appeal be dismissed.

5. Heard learned counsel for the parties and perused the record.

6. Upon consideration of the submissions advanced by learned counsel for the parties and on perusal of the record, this Court finds that the learned Tribunal declined to accept the claim of permanent disability mainly on the ground that Dr. Navin Kothari had examined the appellant after about one year from the date of the accident. In the considered opinion of this Court, merely because the appellant was examined by the doctor after one year of the accident cannot discard the medical evidence regarding permanent disability, particularly when the appellant had sustained a fracture of the patella bone and had undergone prolonged treatment.

7. So far as the medical expenses are concerned, the record indicates that the appellant produced medical bills and investigation reports relating to his treatment. The appellant has claimed that expenses of about Rs.70,000/- were incurred towards medical treatment, whereas the learned Tribunal has awarded only Rs.63,970/- under this head.

8. This Court further finds that the amount awarded by the learned Tribunal towards pain and suffering, hospitalization and special diet is also on the lower side, having regard to the nature of injuries sustained by the appellant, fracture of the patella bone and the prolonged treatment undergone by him. Considering the overall facts and circumstances of the case, this Court is of the view that a further lump-sum amount of Rs.50,000/- would be just and proper compensation in addition to the amount already awarded by



the learned Tribunal.

9. Accordingly, the impugned award is modified to the extent that the appellant shall be entitled to an additional amount of Rs.50,000/- (Rupees Fifty Thousand only) over and above the compensation already awarded by the learned Tribunal. The enhanced amount shall carry interest at the rate awarded by the learned Tribunal from the date of the claim petition till realization. However, the appellant shall not be entitled for interest on the enhanced amount from 31.1.2014 to 13.8.2024 because there is a default on the part of appellant. The respondent/Insurance Company is directed to pay the interest to appellant excluding the aforesaid period and enhanced amount within 2 months.

10. To the aforesaid extent, the appeal is partly allowed. The remaining findings and directions contained in the impugned award shall remain undisturbed.

(B. P. SHARMA)
JUDGE

SM