



CGHC010077742025



2026:CGHC:43803

PRASHANT
DEWANGAN

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Date: 2026.10.12
17:20:45 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 561 of 2025**

1 - Smt. Madhuri Pujari, W/o Late Tejram Pujari, Aged About 44 Years, R/o Village Malhari, Ward No. 5, Post Khamhariya, Tahsil Nagri, District Dhamtari Chhattisgarh.

2 - Dali Pujari, D/o Late Tejram Pujari, Aged About 25 Years, R/o Village Malhari, Ward No. 5, Post Khamhariya, Tahsil Nagri, District Dhamtari Chhattisgarh.

3 - Vaishali Pujari, D/o Late Tejram Pujari, Aged About 22 Years, R/o Village Malhari, Ward No. 5, Post Khamhariya, Tahsil Nagri, District Dhamtari Chhattisgarh.

4 - Aditya Kumar Pujari, S/o Late Tejram Pujari, Aged About 20 Years, R/o Village Malhari, Ward No. 5, Post Khamhariya, Tahsil Nagri, District Dhamtari Chhattisgarh.

... Appellants**versus**

1 - Gurmit Singh, S/o Savinder Singh, Aged About 55 Years, R/o Village Dholpur, House No. 15, Police Station Batala, District-Gurdaspur Punjab. (Driver Of Offending Vehicle Bus Bearing Registration No. C.G. 19 F. 0228)

2 - M/s Gappu Mahendra Travels Pvt. Ltd. Bus Stand Kanker, Post Kanker, Tahsil And District- Kanker Chhattisgarh. (Owner Of Offending Vehicle Bus Bearing Registration No. C.G. 19 F. 0228)

3 - Branch Manager, United Insurance Company Ltd. Krishna Complex, Jail Road, Kachhari Chowk, Raipur, Tahsil And District

Raipur, Chhattisgarh. (Insurer Of Offending Vehicle Bus Bearing Registration No. C.G. 19 F. 0228)

... Respondent(s)

For Appellants	: Mr. B.L. Sahu, Advocate
For Respondent No.1	: Notice, unserved
For Respondent No.2	: None
For Respondent No.3	: Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(09/10/2026)

1. Heard on I.A. No.01/2025, an application for condonation of delay.
2. The present appeal has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the learned Claims Tribunal.
3. For the reasons assigned therein, I am inclined to allow the same and delay of 146 days in preferring of this appeal is, hereby, condoned.
4. I.A. No.01/2025, thus, stands disposed of.
5. Heard on admission.
6. Admit.
7. With the consent of learned counsel for the parties, the case is heard finally.
8. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of

compensation, challenging the impugned award dated 28/06/2024, passed in Claim Case No. 104/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.46,26,532/- as compensation for the death of Tejram Pujari, who died in a road accident which took place on 04/08/2022.

- 9.** Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is submitted that the learned Claims Tribunal has awarded inadequate amounts under the conventional heads. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
- 10.** Learned counsel appearing for Respondent No. 3/Insurance Company would submit that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. It is further submitted that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.
- 11.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 12.** In the case at hand, it is undisputed that the learned Tribunal has assessed the monthly income of the deceased at ₹47,628/- on the basis of the salary slip. Further, on the basis of the

documents available on record, the learned Tribunal has held that the deceased was aged about 57 years at the time of the accident. Having regard to the number of claimants (4), the Tribunal has added 15% towards future prospects, deducted 1/4th towards the personal and living expenses of the deceased, and applied the multiplier of '9'. The aforesaid assessment, in the opinion of this Court, is just and proper and does not warrant any interference.

13. However, under the conventional heads, the learned Claims Tribunal has awarded a sum of Rs. 15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.1,60,000/- towards consortium. In view of the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. v. Pranay Sethi,** and since the accident took place on 04/08/2022, the permissible enhancement of 10% in the amounts awarded under the conventional heads, the claimants are entitled to Rs.16,500/- towards funeral expenses, Rs.16,500/- towards loss of estate and Rs.1,76,000/- (44000 x 4) towards consortium. To this extent, the impugned award warrants modification.

14. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru**

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

Ram & Ors³, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 47,628 x 12 = 5,71,536/-	Rs. 47,628 x 12 = 5,71,536/-
2.	Future prospect	(+)15% (i.e. Rs. 85,730) = 6,57,264/-	(+)15% (i.e. Rs. 85,730) = 6,57,264/-
3.	Deduction	(-) 1/4 (i.e. 1,64,316) = 4,92,948/-	(-) 1/4 (i.e. 1,64,316) = 4,92,948/-
4.	Multiplier	(x) 9 = 44,36,532/-	(x) 9 = 44,36,532/-
5	Other conventional heads	Rs. 1,90,000/- (15,000+15,000+1,60,000)	Rs. 2,09,000/- (16,500+16,500+1,76,000)
	Total	Rs. 46,26,532/-	Rs. 46,45,532/-

- 15.** In view of the aforesaid analysis, the amount of compensation of Rs.46,26,532/- awarded by the Claims Tribunal is enhanced to Rs.46,45,532/-. Hence, after deducting the amount of Rs.46,26,532/-, the appellants are held entitled for an additional amount of Rs.**19,000/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
- 16.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 17.** The Registry is directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal

3 (2018) 18 SCC 130

Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Prashant