



CGHC010084652025



2026:CGHC:31614

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 582 of 2025

- 1** - Ramesh Satanami S/o Late Brijlal Satanami Aged About 52 Years R/o Village- Bemcha, Jail Para, Police Station, Tahsil And District- Mahasamund (C.G.),
- 2** - Smt. Sunita Satanami W/o Ramesh Satanami Aged About 47 Years R/o Village- Bemcha, Jail Para, Police Station, Tahsil and District- Mahasamund (C.G.).
- 3** - Komal Prasad Baghel S/o Ramesh Satanami Aged About 26 Years R/o Village- Bemcha, Jail Para, Police Station, Tahsil and District- Mahasamund (C.G.).
- 4** - Rajendra Baghel S/o Ramesh Satanami Aged About 23 Years R/o Village- Bemcha, Jail Para, Police Station, Tahsil and District- Mahasamund (C.G.) **... Appellants**

versus

- 1** - Darbari Ram Sahu S/o Gautam Ram Sahu Aged About 39 Years R/o Village- Kaundkera, Ward No. 09, Police Station, Tahsil And District- Mahasamund (C.G.) (Driver and Owner of Pickup No. Cg 06 GX 0657).
- 2** - Branch Manager Megma HdI General Insurance Co. Ltd. 5th Floor, Dainik Bhaskar Complex, Rajbandha Maidan, District- Raipur (C.G.) (Insurance Company of Pickup No. CG 06 GX 0657) **... Respondents**

For the appellants : Mr. Kripesh Kela, Advocate

For Respondent No.1 : Mr. Rakesh Thakur, Advocate

For Respondent No.2 : Ms. Aditi Diwan, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Judgment on Board

23/07/2026

- 1.** This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging the

impugned award dated 04th September, 2024 passed by the I Addl. Motor Accident Claims Tribunal, Mahasamund in Claim Case No. H-76/2023 whereby a total compensation of Rs. 15,43,640/- has been awarded for the death of deceased.

2. Claimants pleaded that deceased Ku. Rama Baghel died on 22.03.2023 on account of a motor accident took place on 20.03.2023 due to rash and negligent driving of respondent no.1. Appellant no.1 & 2 are parents and appellants 3 & 4 are brothers of deceased. They being legal heirs filed claim application seeking a total compensation of Rs. 40,40,000/- on various heads.

3. The learned claims Tribunal took the monthly income of deceased as Rs.9700/-. Further finding the age of deceased to be 23 years and looking to the number of dependents, added 40% future prospectus, deducted one-half towards personal expenses and applied multiplier of 18 and thus worked out the total loss of dependency at Rs. 14,66,640/-. Further more, Rs. 70,000/- has been awarded on other heads. Thus a total compensation of Rs.15,43,640/- has been awarded for the death of deceased in favour of the appellants with interest @ 6%% per annum from the date of application till its realisation.

4. Learned counsel for the appellants submits that the deceased was highly educated, therefore, the income taken by the tribunal is on lower side. He next submits that the loss of parental and filial consortium must be granted to each dependent individually, rather than as a joint lump-sum figure and as such, just compensation has not been awarded, therefore, the impugned award may suitably be enhanced.

5. Learned counsel for respondent no.2/Insurer submits that the Tribunal has passed the just award which needs no interference.

6. Heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.

7. The claimants pleaded that deceased Ku. Rama Baghel has passed post-graduate degree in M.Sc (Maths) and she was earning a monthly income of Rs.15,000/- by running a coaching center and stitching center. In absence of any

clinching and admissible evidence, the Tribunal took the income of deceased as Rs.9700/- treating her as unskilled worker, which is on lesser side. It appears from the academic certificates filed vide Ex.P-17, the deceased was a well qualified post-graduate. Therefore, looking to her educational qualification and income pleaded in claim application, it would be appropriate to take monthly income of deceased at Rs.11,390/- treating her as skilled worker as per the Chhattisgarh Minimum Wages applicable at the time incident instead of lesser income of Rs.9700/- taken by the Tribunal. The Tribunal has found the age of deceased to be 23 years and there are 4 claimants. Therefore, following the principles laid down by the Supreme Court, it has rightly added 40% future prospects; deducted ½ (one- half) towards personal expenses and applied multiplier 18. It has further granted a lumpsum figure of Rs.40,000/- for loss of consortium for all the 4 claimants. Under Motor Accident Claims, the Supreme Court has established that every dependent is entitled to a separate compensation for the loss of parental and filial consortium. Thus each claimant is entitled to Rs.48,000/- separately and the total comes to Rs. 1,92,000/- under this head. Further the amounts granted for funeral expenses and loss of estate are also seems to be lesser.

8. In the light of the above discussion and In view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Total loss of dependency or loss of income	14,66,640/-	Rs.11390 x 12 = 1,36,680/- plus 40% Future Prospects i.e. 54,672 = 1,91,352 minus 1/2 deduction of personal expenses i.e., 95,676 = 95,676 x multiplier 18 = 17,22,168/-

2.	Loss of estate	15,000/-	18,000/-
3.	Funeral expenses	15,000/-	18,000/-
4.	Loss of consortium or loss of love and affection	40,000/-	(48,000 x 4 dependents) 1,92,000/-
	10% automatic enhancement on total Rs. 70000/- granted under conventional heads (i.e., 15000 + 15000 + 40000)	7,000	
	Total Rs.	15,43,640/-	19,50,168/-

9. In view of the aforesaid analysis, the amount of compensation of Rs. **Rs. 15,43,640/-** awarded by the Claims Tribunal is enhanced to Rs **19,50,168/-**. Hence, after deducting the amount of Rs. **15,43,640/-** the appellants held entitled for an additional sum of Rs. **4,06,528/-** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

Sd/-
Sanjay Kumar Jaiswal
Judge

Rao