



CGHC010091282023



2026:CGHC:39836

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 511 of 2023**

1 - Nandni Kurre W/o Late Yashwant Kurre, Aged About 40 Years R/o Village Lalpur, Po. Aa. Hardi, Tahsil And P.S. - Nawagarh, District - Bemetara, Chhattisgarh.

2 - Suhani Satnami D/o Late Yashwant Kurre Aged About 18 Years R/o Village Lalpur, Po. Aa. Hardi, Tahsil And P.S. - Nawagarh, District - Bemetara, Chhattisgarh.

3 - Isha Satnami D/o Late Yashwant Kurre Aged About 16 Years Minor Through The Natural Guardian Mother Nandni Kurre, W/o Late Yashwant Kurre, R/o Village Lalpur, Po. Aa. Hardi, Tahsil And P.S. - Nawagarh, District - Bemetara, Chhattisgarh.

4 - Kohinur Kurre S/o Late Yashwant Kurre, Aged About 14 Years Minor Through The Natural Guardian Mother Nandni Kurre, W/o Late Yashwant Kurre, R/o Village Lalpur, Po. Aa. Hardi, Tahsil And P.S. - Nawagarh, District - Bemetara, Chhattisgarh.

5 - Patra Bai Satnami W/o Late Dadan Singh Aged About 65 Years R/o Village Lalpur, Po. Aa. Hardi, Tahsil And P.S. - Nawagarh, District - Bemetara, Chhattisgarh. (Claimant)

... Appellants/Claimants**versus**

1 - Ramchandra Chandrakar S/o Sewaran Chandrakar Aged About 27 Years Occupation - Driver, R/o Village Singhola, Chowki - Sargi, Lalbag, District - Rajnandgaon, Chhattisgarh. (**Driver** of vehicle No. C.G. - 08- L – 2333).

2 - Narendra Pal Singh Bhatiya S/o Mahendra Singh Bhatiya, R/o Srishti Colony, Kamla College Road Rajnandgaon, District - Rajnandgaon, Chhattisgarh. (**Owner** of Vehicle No. C.G. - 08- L – 2333)

3 - The New India Insurance Company Limited, Branch - Durg, Kshetriya Karyalay Gurunanak Nagar, Station Road, Durg, Chhattisgarh. (Insurer)

... Respondents

For Appellants	:	Ms. Sonali Kesharwani, Advocate
For Respondent Nos. 1 & 2:	:	None
For Respondent No.3	:	Mrs. Swati Agrawal, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

(Order On Board)

11/09/2026

1. 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 01.10.2022, passed in Motor Accident Claim Case No.109/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.40,00,000/- as compensation for the death of Late Yashwant Singh Kurre, who died in a road accident which took place on 26.10.2020.
2. Facts of the case in brief are that on 26.10.2020, deceased, Yashwant Kurre, had come to Bemetara in his Bolero vehicle bearing registration No. CG-04-MB-4611. At about

9:00 p.m., while he was returning home from Bemetara, near Atariya turn on the main public road forming part of the Nawagarh-Bemetara route, the respondent No.1 had negligently parked the offending vehicle on the main road, It was alleged that the Bolero vehicle of the deceased collided with the offending vehicle, as a result of which the deceased sustained grievous injuries. He was initially taken to the Government Hospital, Bemetara, for treatment; however, during the course of treatment, he succumbed to the injuries sustained in the said accident.

3. A claim petition was filed by the appellants/claimants who happen to be the legal heirs (Wife, Daughters, Son and Mother) of the deceased claiming a compensation of Rs.1,00,00,000/- *inter alia* pleading that the deceased at the relevant time was aged about 44 years, he was engaged in the business of operating fly-ash, bricks and ice factory. Apart from the aforesaid business activities, he was also engaged in agricultural work, transport and travelling related activities and was earning approximately Rs.1,30,000/- per month.
4. Pleading of the claimants have, however, been denied by

the respondent/insurance company.

5. After evaluating the evidence available on record, the Tribunal recorded the finding that deceased Yashwant Singh Kurre was negligent and held that the deceased had contributory negligence in the accident and thereby after deducting sum of Rs.22,00,000/- towards his contributory negligence, has awarded the compensation of Rs.40,00,000/- along with interest @ 6% per annum in favour of the appellants/claimants taking the annual income of the deceased as Rs.5,00,000/-, applying the multiplier of 13 and deducting 1/4th i.e. Rs.1,25,000/- towards his personal expenses. Hence, this appeal for enhancement.
6. Learned counsel appearing for the appellants/claimants submits that the learned Tribunal has erred in assessing the contributory negligence of the deceased by making a lump-sum deduction of Rs.22,00,000/- instead of determining the percentage of contributory negligence on the basis of the evidence available on record. It is contended that such lump-sum reduction is arbitrary and excessive and, therefore, the amount so deducted deserves to be suitably reduced. Learned counsel further submits that the learned

Tribunal has also erred in not awarding the benefit of future prospects in accordance with the settled principles of law. According to the appellants, the deceased was entitled to addition of 25% towards future prospects, whereas the learned Tribunal has awarded only a lump-sum amount of Rs.12,00,000/- under the said head, which is contrary to the principles governing assessment of compensation in the matter of **National Insurance Company Vs. Pranay Sethi & Ors** reported in **(2017) 16 SCC 680**. It is next submitted that, considering the age of the deceased 44 years, at the time of the accident, the appropriate multiplier would be 14 in view of ***Pranay Sethi (supra)***. However, the learned Tribunal has applied a multiplier of 13, resulting in an inadequate assessment of the loss of dependency suffered by the claimants. Learned counsel also submits that the amount awarded under the conventional heads is also on the lower side and is not in accordance with the amounts permissible under the settled legal principles. The appellants/claimants are, therefore, entitled to appropriate enhancement under the conventional heads as well. On the aforesaid grounds, learned counsel for the appellants/claimants prays that the compensation awarded

by the learned Tribunal be suitably enhanced by reducing the excessive deduction made towards contributory negligence, granting 25% addition towards future prospects, applying the appropriate multiplier of 14, and enhancing the compensation under the conventional heads.

7. On the other hand, learned counsel appearing for the respondent No.3/Insurance Company objecting the submission of learned counsel for the appellants submits that the issue with regard to contributory negligence has already been considered and decided by a Coordinate Bench of this Hon'ble Court in MAC No.105/2023, vide order dated 29.08.2025. It is submitted that the Insurance Company had specifically raised the issue of contributory negligence in the said appeal; however, the appeal preferred by the Insurance Company was dismissed by the Coordinate Bench. It is, therefore, submitted that the issue relating to contributory negligence already stands concluded by the aforesaid order dated 29.08.2025 passed in MAC No.105/2023 and, as such, the same does not warrant any further consideration in the present appeal.

8. Learned counsel for the Insurance Company opposes the

submission advanced on behalf of the appellants/claimants with regard to the multiplier and the amount awarded under the conventional heads. Learned counsel further submits that the amount awarded by the learned Claims Tribunal under conventional heads, in the facts and circumstances of the case, is just and proper, which does not call for any interference by this Court.

9. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
10. In the case in hand, the learned Tribunal had awarded a compensation of Rs.62,00,000/-. While assessing the compensation, the learned Claims Tribunal took into consideration the contributory negligence of the deceased and deducted a lump-sum amount of Rs.22,00,000/-, rather than determining the same in terms of a percentage, and consequently awarded a **total amount of Rs.40,00,000/-** to the claimants. It is noted that the percentage of amount of Rs.22,00,000/- deducted by the learned Claims Tribunal from Rs.62,00,000/- comes to **35.48%**. Since the extent of contributory negligence attributable to the deceased has already been determined by the Coordinate Bench in the

separate appeal being MAC No.105/2023 filed by the insurance company, no separate order or determination in that regard is required to be made in the present case.

11. In the case at hand, the learned Tribunal has indeed taken the annual income of the deceased to be Rs. 5,00,000/- taking into consideration that the claimants had filed income tax return stating that the deceased was a businessman. Considering that the deceased was 44 years of age at the time of accident and claimants (5) were dependent on him, has rightly assessed the annual income of the deceased to be Rs.5,00,000/-. Further, looking to the age of the deceased (44 years) at the time of incident, and was doing business, an addition of 25% towards future prospects is warranted instead of Rs.12,00,000/- as has been taken by the learned Claims Tribunal. Further, considering the number of dependents (5), the appropriate deduction towards the personal and living expenses of the deceased would be 1/4th of his income. The learned Tribunal has correctly applied the deduction of 1/4th towards the personal and living expenses of the deceased, and the said finding calls for no interference.

12. So far as the multiplier is concerned, it is not in dispute that the deceased was aged 44 years at the time of the accident. In view of the law laid down by the Hon'ble Supreme Court in ***Pranay Sethi (supra)***, the appropriate multiplier for the age group of 41 to 45 years is 14. However, the learned Tribunal has applied a multiplier of 13 while computing the loss of dependency. Accordingly, the multiplier of 13 applied by the learned Tribunal is not in conformity with the settled principles laid down by the Hon'ble Supreme Court. The claimants are, therefore, entitled to computation of the loss of dependency by applying the appropriate multiplier of 14.
13. The learned claims Tribunal has awarded an amount of Rs.25,000/- towards spousal, parental and filial consortium, Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses, Rs.40,000/- towards loss of separation and Rs.30,000/- towards other losses, but looking to the facts and circumstances of the case and the number of claimants (in all 5), it is not found proper and needs to be enhanced suitably in the interest of justice.
14. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of ***Pranay Sethi (supra)***, ***Sarla Verma & Ors. Vs. Delhi***

Transport Corporation & Ors¹ and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors²,
this Court is computing the compensation as below:

Head	Compensation awarded
Income	Rs.5,00,000/-
Future Prospect	(+) Rs.1,25,000/- (i.e. 25% of the income) = Rs.6,25,000/-
Deduction towards living and personal expenses	(-) Rs.1,56,250/- (i.e. 1/4th of Rs.6,25,000/-)
Total Income	Rs.4,68,750/- (Rs. 6,25,000 – 1,56,250)
Multiplier applied	14
Loss of future income	Rs.65,62,500/- (Rs.4,68,750/- x 14)
Loss of Estate	Rs.16,500/-
Funeral Expenses	Rs.16,500
Loss of Consortium to all the claimants (5)	Rs.2,20,000/- (44,000 x 5)
Compensation Awarded	Rs.68,15,500/-
(-) Contributory Negligence (35.48%) as discussed in para 10 above.	Rs.24,18,139/-
Total Compensation	Rs.43,97,361/-

15. Thus, the total compensation including the amount awarded on conventional heads and after deducting 35.48% towards contributory negligence, the amount comes to **Rs.43,97,361/-** for which the appellants/claimants are entitled to receive as compensation. Since the Tribunal has

¹(2009) 6 SCC 121
²(2018) 18 SCC 130

already awarded **Rs.40,00,000/-**, after deducting the same the claimants/appellants are entitled for enhanced amount of **Rs.3,97,361/-**. This additional amount of compensation shall carry interest @ 6% p.a. from the date of filing of claim application till 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 Aid of the concerned area wherein the claimants resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge