



CGHC010093192023



2026:CGHC:42999

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 455 of 2023

1 - Santosh Sahu S/o Chhotelal Sahu Aged About 38 Years R/o Village Post And Police Station - Hirri, Tahsil - Bilha, District : Bilaspur, Chhattisgarh.

2 - Kavita Bai W/o Santosh Sahu Aged About 37 Years R/o Village Post and Police Station - Hirri, Tahsil - Bilha, District : Bilaspur, Chhattisgarh

... Appellants

versus

1 - Suresh Kumar Agrawal S/o Banarasidas Agrawal Aged About 67 Years R/o House No. M.I.G. No. 19 Housing Board Colony Tatibandh Raipur Police Station - Aamanaka, Tahsil And District - Raipur Chhattisgarh (Driver and Owner of Alto No. C.G.04 M.Q.1776)

2 - National Insurance Company Ltd. through Branch Manager, Office - First Floor Agrawal Chamber, Above Canara Bank, Vyapar Vihar Road Bilaspur, Tahsil and District - Bilaspur Chhattisgarh, (Insurance Company of Alto No. C.G.04 M.Q.1776)

... Respondents

For the appellants	: Mr. Vipin Singh Thakur, Advocate
For respondent no.2	: Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

05.10.2026

- 1.** This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the claimants seeking enhancement and challenging the impugned award dated 16.12.2022 passed by the VIII Motor Accident Claims Tribunal, Bilaspur District Bilaspur (Chhattisgarh) in Claim Case No. 408/2020 whereby a total compensation of Rs.5,00,000/- has been awarded for the death of claimants' son.
- 2.** Brief facts of the pleaded in claim application are that on the date of accident 17.03.2020, deceased Kaushal Sahu, aged about 9 years went to purchase Chocolate and while returning on foot from the shop, respondent no.1 driving the offending car bearing No.C.G04/MQ/1776 in rash and negligent manner hit the deceased as a result of which, deceased child sustained fatal injuries and died on the way when he was brought to the hospital for treatment. The claimants being legal heirs have filed claim application under section 164 of M.V. Act 1988 seeking a total compensation of Rs.9 lakhs on various heads.
- 3.** Learned counsel for the appellants submits that the Tribunal has erred in awarding a lumpsum compensation of Rs. 5 lakhs, which is on lower side. Therefore, the compensation awarded by Tribunal is inadequate and it needs substantial enhancement.
- 4.** Learned Counsel for respondent no.2 (insurer) submits that in view of the amendment incorporated under 2nd Schedule to Section 163A of the Act of 1988, the Tribunal has rightly granted the prescribed statutory compensation of Rs. 5 lakhs, which needs no interference.
- 5.** I have heard learned counsel for the parties and considered their rival

submissions made herein-above.

6. In this matter , the deceased had died due to injuries sustained in the alleged motor vehicle accident and the claimants filed the claim petition under Section 164 of MV Act. The Tribunal has granted a compensation of Rs.5 lakhs.
7. Under the provisions of Section 164 of the M.V Act (amended by the Act 32 of 2019) the claimants are entitled to a fixed compensation of Rs.5 lakhs in case of death without being required to plead or establish wrongful act, neglect or default on the part of the owner of the offending vehicle.
8. In view of the statutory scheme u/s 164 of the Act and the corresponding amendment in Second Schedule of the Act of 1988, the Tribunal has rightly awarded the compensation of Rs.5 lakhs to the claimants. Therefore, I do not find any infirmity or illegality in the impugned award warranting interference in appeal.
9. Accordingly, this appeal is devoid of merit and is **dismissed**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Rao