



CGHC010094822026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 905 of 2026

1 - The Oriental Insurance Company Limited Through Divisional Manager, Division Number - 03, The Oriental Insurance Company Limited R.K. Plaza, Pachpedi Naka, Ring Road No. 01, Raipur Tehsil And District- Raipur (C.G.)

... Appellant(s)

versus

1 - Punita Ravate W/o Shri Devilal Ravate Aged About 25 Years R/o Permanent Address - Village Godpal P.O. Karafi Thana Kodekurse, District- Kanker (C.G.) Present Address Purani Basti Abhanpur, Thana Abhanpur, District- Raipur (C.G.)

2 - Divyarani D/o Late Shri Devilal Ravate Aged About 2 Years Through Their Legal Representative Natural Guardian Mother Punita Ravate R/o Permanent Address - Village Godpal P.O. Karafi Thana Kodekurse, District- Kanker (C.G.) Present Address Purani Basti Abhanpur, Thana Abhanpur, District- Raipur (C.G.)

3 - Divyanshi Ravate D/o Late Shri Devilal Aged About 1 Year Through Their Legal Representative Natural Guardian Mother Punita Ravate R/o Permanent Address - Village Godpal P.O. Karafi Thana Kodekurse, District- Kanker (C.G.) Present Address Purani Basti Abhanpur, Thana Abhanpur, District- Raipur (C.G.)

4 - Ishwar Ravate S/o Shri Sujana Ravate Aged About 49 Years R/o Permanent Address - Village Godpal P.O. Karafi Thana Kodekurse, District- Kanker (C.G.) Present Address Purani Basti Abhanpur, Thana Abhanpur, District- Raipur (C.G.)

5 - Gaindi Bai W/o Ishwar Ravate Aged About 45 Years R/o Permanent Address - Village Godpal P.O. Karafi Thana Kodekurse, District- Kanker (C.G.) Present

Address Purani Basti Abhanpur, Thana Abhanpur, District- Raipur (C.G.)

6 - Deshiram S/o Shri Sadharam R/o Village And Thana Badgaon District- Kanker (C.G.)

... Respondent(s)

For Appellant (s)	: Shri Sudhir Agrawal and Ms. Prerana Agrawal, Advocates
For Respondent(s)	: None though served.

(Hon'ble Shri Justice Sachin Singh Rajput)

Order on Board

08/10/2026

This is an appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'MV Act') assailing the legality, correctness and validity of award dated 15/01/2026 passed by the 8th Additional Motor Accident Claims Tribunal, Raipur (CG) in claim case No.564/2022. By the award impugned, against a claim of Rs.20,56,000/-, learned Claims Tribunal has awarded compensation of Rs.25,60,800/- in favour of respondents 1 to 5 / claimants by partly allowing an application filed under Section 166 of the MV Act.

2. As per pleadings of the claim application, the deceased – Devilal Ravate met with an accident on account of rash and negligent driving of the offending vehicle Motor Cycle bearing registration No.CG 19 B.P.3763 by one Sandeep Netam S/o. Respondent No.6 who was arrayed as legal representative of the driver and owner of the offending vehicle i.e. deceased-Sandeep Netam. Further pleadings reflect that the deceased was 26 years of age and was earning Rs.9,000/- being a Mason. Thus, the abovestated compensation was claimed.

3. Respondent No.6/legal representative of driver and owner remained ex-parte before the learned Claims Tribunal. The appellant/insurance company filed written statement and denied the averments of the claim application and also pleaded with regard to violation of terms and conditions of the insurance policy as the deceased driver had no valid and effective driving license.

4. On the basis of above pleadings, learned Claims Tribunal framed issues and decided the same in favour of the appellants/claimants and awarded the

abovestated compensation, however with respect to issue no.2, the same was decided in favour of appellant/insurance company. The learned Claims Tribunal awarded the abovestated compensation exonerating the insurance company however, applied the doctrine of pay and recover and directed the appellant/insurance company to pay the compensation and recover it from respondent No.6.

5. Learned counsel for the appellant submits that the challenge in this appeal is only to the quantum of compensation awarded in favour of respondents 1 to 5/claimants. Admittedly, there were five dependents of the deceased and the learned Claims Tribunal erred in deducting 1/5th for personal expenses from the income of the deceased. He further submits that the claim was made only taking the monthly income of the deceased to Rs.9,000/- whereas the Tribunal assessed the monthly income to Rs.10,000/- beyond the pleadings. He next submits that in the light of judgment of Hon'ble Supreme Court in the case of **National Insurance Co. Ltd. vs. Pranay Sethi and ors, (2017) 16 SCC 680**, 10% enhancement has to be made in the other admissible heads like loss of estate and funeral expenses. As the judgment in the case of **Pranay Sethi** (supra) was passed on 31/10/2017 and the accident in this case had occurred on 12/05/2022, learned Claims Tribunal has erred in adding Rs.3,000/- on other heads whereas it should have only Rs.1600/-. Thus, suitable deduction may be made.

6. None appeared on behalf of the respondents despite service.

7. Heard learned counsel for the appellant and perused the record.

8. This Court would first deal with the contention as to whether the learned Claims Tribunal erred in assessing the monthly income of the deceased to Rs.10,000/- whereas the pleading was made only as Rs.9,000/-. This contention is liable to be rejected in the light of judgment of Hon'ble Supreme Court in the case of **Nagappa vs. Gurudayal Singh and ors., (2003) 2 SCC 274** wherein it has been held that if the Courts and Tribunals find that more amount of compensation can be awarded, the same can be awarded in the facts and

circumstances of the case despite less amount of compensation is claimed by the appellants/claimants.

9. The second contention is with regard to deduction of 1/5th amount for personal expenses. He submits that as there are five claimants, 1/4th amount will be deducted for personal expenses but 1/5th amount has been deducted by the learned Claims Tribunal. In the light of judgment passed in the case of **Pranay Sethi** (supra), this Court re-assess the compensation in the following manner -

1.	Monthly income	Rs.10000/-
2.	Yearly income	Rs.120000/-
3.	Future prospects 40% (120000 + 48000)	Rs.168000/-
4.	1/4th deduction for personal expenses (168000-42000)	Rs.126000/-
5.	Multiplier of 17 (126000x17)	Rs.21,42,000/- (Loss of dependency)
6.	Funeral expenses + loss of Estate(16500+16500)	+Rs.33000/-
7.	Consortium (Rs.44000x5)	+Rs.2,20,000/-
	TOTAL COMPENSATION	Rs.23,95,000/-

However, this Court is not inclined to reduce the amount particularly looking to the fact that a young widow 25 years and two minor daughters aged about 2 years and 1 year were dependent upon the income of the deceased and they have a long life to live. Thus, even assuming that calculation mistake is committed by the learned Claims Tribunal, in the interest of justice to see that just compensation is awarded, this Court is not inclined to interfere in this appeal. The appeal is accordingly dismissed.

Sd/-
(Sachin Singh Rajput)
JUDGE