

AMIT
KUMAR
DUBEY

Digitally signed
by AMIT
KUMAR DUBEY
Date: 2026.09.26
16:30:12 +0530



CGHC010120962016



2026:CGHC:41810

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1134 of 2016

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
15.09.2026	25.09.2026	-----	25.09.2026

- 1 - Smt. Basanti Lakra W/o Late Chandan Lakra, Aged About 36 Years R/o Village- Chirai, P.S. And Tahsil- Shankargarh, Distt. Balrampur (C.G.)
- 2 - Ku. Priyanka Lakra D/o Late Chandan Lakra, Aged About 19 Years R/o Village- Chirai, P.S. And Tahsil- Shankargarh, Distt. Balrampur, Chhattisgarh, District : Balrampur (C.G.)
- 3 - Ku. Priti Lakra D/o Late Chandan Lakra, Aged About 16 Years Minor Through Natural Guardian Mother Smt. Basanti Lakra W/o Late Chandan Lakra, R/o Village- Chirai, P.S. And Tahsil- Shankargarh, Distt. Balrampur, Chhattisgarh, District : Balrampur (C.G.)
- 4 - Ashish Lakra S/o Late Chandan Lakra, Aged About 14 Years Minor Through Natural Guardian Mother Smt. Basanti Lakra W/o Late Chandan Lakra, R/o Village- Chirai, P.S. And Tahsil- Shankargarh, Distt. Balrampur, Chhattisgarh, District : Balrampur (C.G.)
- 5 - Ku. Prabha D/o Late Chandan Lakra, Aged About 10 Years Minor Through Natural Guardian Mother Smt. Basanti Lakra W/o Late Chandan Lakra, R/o Village- Chirai, P.S. And Tahsil- Shankargarh, Distt. Balrampur (C.G.)

... Appellants /claimants

versus

1 - Manoj Kumar Mehta S/o Tapeswar Mehta, Aged About 38 Years R/o Village Bhedami Putsura Post And Tahsil- Balrampur, Distt. Balrampur-Ramanujganj, {C.G.} **Driver**

2 - Branch Manager, Bharti Yexa Insurance Company Ltd. Devendranagar Raipur Distt. Raipur {C.G.} **Insurer**

... Respondents

{Cause title, as taken from Case Information System}

For Appellants : Ms. Akansha Vishwakarma, Advocate on behalf of Mr. A.N. Pandey, Advocate.

For Respondent No. 1 : None present.

For Respondent No. 2 : Mr. K.P.S. Gandhi, Advocate.

{Hon'ble Mr. Justice Santosh Sharma}

C A V Judgment

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (henceforth, "MV Act, 1988") has been preferred by the appellants/claimants seeking enhancement of compensation awarded by the Second Additional Motor Accident Claims Tribunal, Ambikapur, Sarguja (henceforth 'the Claims Tribunal') in claim case No. 185 of 2013 vide award dated 18.06.2014.

2. The facts of the case, in brief, are that Chandan Lakda (husband of Appellant No. 1, Basanti Bai and father of Appellant Nos. 2 to 5) was employed as a labourer on the Truck bearing Registration No. JH-02-G-4539 (henceforth, 'offending vehicle'), owned by Respondent No. 1 – Manoj Kumar Mehta and insured with Respondent No. 2/Insurance Company. He was working on the said truck under the instructions and directions of its owner. On 05.04.2013, after loading bauxite in the offending vehicle, said Chandan Ram Lakra and four other labourers were returning back to village Chirai in

the said truck, which was being driven by its driver Santosh Pal. While crossing below Amroli Ghat, at about 4 pm, driver Santosh Pal drove the said truck rashly & negligently and pushed it into a deep pit, as a result of which, said Chandan Lakda including driver and all other persons sitting in the said truck sustained multiple injuries and driver Santosh Pal died due to crack in the front part of the offending vehicle whereas Chandan Lakda died during treatment in the Primary Health Centre, Kusumi on the same day i.e. on 05.04.2013. The incident was reported to the Police Station Kusumi bearing Crime No. 38/2013.

3. As against the compensation of Rs. 09,84,000/- claimed by the unfortunate widow and children of deceased Chandan Lakda by filing application under Section 166 of MV Act, 1988 for his death in the motor accident on 05.04.2013, the Tribunal awarded a total sum of Rs. 4,75,000/- as compensation along with interest @ 8 percent per annum from the date of claim application, till its actual payment.

4. Respondent No. 1 / owner of offending vehicle filed a written statement denying the allegations made by the claimants. It was stated therein that the death of Chandan Ladra did not occur due to an accident involving his truck. Furthermore, it was submitted that on the day of the accident, the truck was insured with 'Indian Yeksa Insurance Company Limited' and the driver, Santosh Pal, possessed a valid and effective driving license. The truck driver had not driven the Truck negligently or rashly; therefore, the claimants were not entitled to get any compensation.

5. Respondent No. 2 /Insurance Company did not file any written statement before the Claims Tribunal.

6. The Tribunal, on a close scrutiny of evidence led, material placed and submissions made by the parties, held: the accident had occurred due to

rash negligent driving of Truck bearing registration No. J.H. 02 G 4539 by its driver Santosh Pal, which is owned by Manoj Kumar Mehta (respondent No. 1) and insured with Bharti Axa Insurance Company Limited (respondent No. 2). When the offending vehicle reached near Jamtoli Ghat, it turned turtle, as a result whereof the deceased sustained multiple injuries and succumbed to the said injuries on the same day during course of treatment. The driver of the offending vehicle also sustained multiple injuries and died at the spot. As such, respondent No. 2 / Insurance Company is liable for payment of compensation to the appellants /claimants, as it could not establish violation of policy conditions, and assessed and awarded aforesaid sum as compensation in favour of the claimants.

7. Learned counsel for the appellants/claimants submits that the deceased, Chandan Ram, was earning Rs. 6,000/- per month as a labourer. However, the learned Tribunal assessed his income only Rs. 3,000/- per month, without properly appreciating the evidence and the prevailing minimum wages for unskilled labour in 2013. As such, his monthly income ought to have been assessed at Rs. 6,000/-. He further submits that in view of the dictum of the Supreme Court in the case of **National Insurance Co. Ltd. Vs. Pranay Sethi**¹, having regard to the age of the deceased, i.e. 40 years, as reflected in the post-mortem report, an addition of 25% towards future prospects ought to have been made to the income of the deceased. He further submits that the learned Claims Tribunal has failed to properly assess and award just and reasonable compensation under the head of loss of consortium and loss suffered by the claimants, who are the unfortunate widow and children of the deceased. It is further submitted that the compensation awarded under the other heads is also inadequate and does

1 (2017) 16 SCC 680

not constitute just and proper compensation. It is, therefore, submitted that the amount of compensation awarded by the learned Claims Tribunal deserves to be suitably enhanced. To buttress his submission, learned counsel appearing for the appellants placed reliance upon the judgment of the Supreme Court in the matter of **Santoshi Devi Vs. National Insurance Company Limited**² and **Rajesh vs. Rajbir Singh**³.

8. Per contra, learned counsel appearing for the respondents No. 2 / Insurance Company supported the award impugned and submitted, in the facts & circumstances of the case, the Tribunal has rightly awarded amount of compensating by assessing income of the deceased as Rs.3,000/- per month, which does not call for any interference.

9. I have heard the counsel appearing for the parties and perused material available on record including award impugned.

10. The fact that the accident occurred due to the rash and negligent driving of the driver of the offending truck, and that Respondent No. 2/Insurance Company is liable to pay compensation, is no longer in dispute. Thus, the only issues that remain to be considered are the quantum of compensation, particularly the income of the deceased, future prospects, and the amount payable under the head of consortium.

11. Firstly, with regard to the income of the deceased, it is evident from the statement of Claimant No. 1, Smt. Basant Lakda, wife of the deceased, that her husband, namely, Chandan Lakda, was engaged in agricultural as well as labour work and was earning Rs. 6,000/- per month. However, no documentary evidence was produced on record to substantiate the said

2 (2012) 6 SCC 421

3 (2013) 9 SCC 54

claim. Therefore, in the absence of any documentary proof regarding the income of the deceased, the learned Claims Tribunal did not commit any error in assessing his monthly income at Rs. 3,000/-.

12. So far as amount awarded to the claimants towards loss of consortium to the claimants is concerned, the widow and children of the deceased are entitled to get reasonable compensation towards loss of consortium, as they have suffered the loss of the love, affection, companionship, guidance and support of the deceased. The death of the deceased has resulted in the deprivation of the marital consortium of the widow and parental consortium of the children. Accordingly, a reasonable amount is liable to be awarded to the widow and each of the children under the head of loss of consortium, in accordance with law judgment rendered by the Supreme Court in the matter of **V. Pathmavathi & others Vs. Bharti Axa General Insurance Co Ltd. & another** reported in **2026 LiveLaw (SC) 132**. As such, I propose to re-compute the amount of compensation by taking Rs. 40,000/- to each of the claimants under the head of loss of consortium. Further, amount of Rs. 10,000/- awarded under the head of funeral expenses also appears to be on lower side, therefore, Accordingly, the compensation is proposed to be re-computed by awarding Rs. 15,000/- in place of Rs. 10,000/- as awarded by the Claims Tribunal under the head of funeral expenses. Further, as the deceased was aged about 40 years at the time of accident and he was self employed person, therefore, as per dictum of the Supreme Court in the matter of **Pranay Sethi & others** (supra), 25 % is to be added towards future prospect, then, claimants' annual dependency would be Rs. 45,000/- [Rs.3,000/-x12=Rs.36,000 + Rs.9,000/-]. By multiplying the claimant's annual dependency of Rs. 45,000/- with the multiplier of 15, as applied by the Claims

Tribunal Tribunal, the amount of compensation on account of loss of dependency would be Rs. 06,75,000/-.

13. Further, looking to the fact that the unfortunate widow Smt. Basanti Lakra and her four children have filed instant claim application, therefore, in light of judgment rendered by the Supreme Court in the matter of **Sarla Verma (Smt.) & others V. Delhi Transport Corporation and another**⁴, in which, it has been held that where the deceased is married, the deduction towards personal and living expenses of the deceased should be 1/4th if dependents family members are 4 to 6, as such, the Tribunal has not erred in deducting 1/4th income of the deceased towards his personal expenses.

14. After deducting 1/4th towards personal expenses of the deceased, the claimants' annual dependency would be Rs. 5,06,250 [Rs.06,75,000/- - Rs.1,68,750/-]. The learned Claims Tribunal awarded compensation under the conventional heads on the lower side, which ought to have been assessed in accordance with the principles laid down by the Hon'ble Supreme Court in **V. Pathmavathi & others (supra)**. The learned Claims Tribunal awarded a total sum of Rs. 60,000/- towards loss of consortium, i.e., Rs. 20,000/- to the unfortunate widow and Rs. 10,000/- each to the children, amounting to Rs. 40,000/-, and a sum of Rs. 10,000/- towards funeral expenses. Accordingly, in view of the principles laid down in the aforesaid judgment, the claimants are now entitled to compensation of Rs. 40,000/- each towards loss of consortium. Further, the claimants are also entitled to get Rs. 15,000/- towards funeral expenses in place of Rs. 10,000/- as awarded by the Claims Tribunal. Thus, the claimants would become entitle for Rs. 7,21,000/- as compensation in place of Rs. 4,75,000/- as awarded by the Claims Tribunal. Furthermore, the judgments of the Hon'ble Supreme

4 2009 (6) SCC 121

Court relied upon by learned counsel for the petitioner, namely, *Santoshi Devi v. National Insurance Company Limited* (supra) and *Rajesh v. Rajbir Singh* (supra), have already been considered and dealt with by the subsequent Constitution Bench judgment in *National Insurance Company Limited v. Pranay Sethi* (supra). This Court has duly taken into consideration the principles laid down in *Pranay Sethi* (supra) while determining and computing the amount of compensation payable to the claimants. Accordingly, no further reliance upon the aforesaid judgments is warranted for the purpose of re-computation of the compensation awarded in the present case.

15. In view of above, the claimants are held entitled for compensation on the following table :-

Sl. No.	Heads	Calculation (in rupees)
01.	Income of the deceased	Rs. 36,000/- per annum, as assessed by the Tribunal.
02.	25% of (i) above to be added towards future prospects.	Rs.36,000/- +Rs. 9,000/-= Rs.45,000/-
03.	Multiplier of 15 to be applied, as applied by the Claims Tribunal.	Rs.45,000x 15 = Rs.6,75,000/-
04.	1/4th deduction towards personal and living expenses of the deceased	Rs.05,06,250/- [Rs.6,75,000/- - Rs.1,68,750].
05.	Towards loss of consortium to the claimants (in total)	Rs.2,00,000/- (Rs. 40,000/- to each of the claimants)
06	For funeral expenses	Rs.15,000/-

07	Total compensation	Rs. 07,21,250/-

16. In view of foregoing, the appeal is allowed in part. The compensation of Rs. 4,75,000/- awarded by the Tribunal is enhanced to Rs. 07,21,250/-. The claimants are entitled for a further sum of Rs. 02,46,250/- over and above the amount of Rs. 4,75,000/-. The above enhanced amount of compensation of Rs. 2,46,250/- shall carry interest @ 8 % per annum from the date of filing claim application, till its actual payment. Rest of conditions mentioned in the award shall remain intact. The award stands modified to the above extent.

17. The Respondent No. 2/ Bharti Yexa Insurance Company Limited is granted two months' time to deposit enhanced amount of compensation of **Rs. 02,46,250/-** along with aforesaid interest before the concerned Claims Tribunal. No order as to costs.

Sd/-
(Santosh Sharma)
Judge