



CGHC010160072024



2026:CGHC:44551

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 959 of 2024**

1 - Rafina Begum W/o Late Tanveer Ahmad. Aged About 24 Years R/o Meena Bhawan, Mana Camp, Ward No. 2 Jubi Manzil Tehsil And District Raipur Chhattisgarh.

2 - Smt. Kumudni Bala W/o Abdul Latif. Aged About 69 Years R/o Meena Bhawan, Mana Camp, Ward No. 2 Jubi Manzil Tehsil And District Raipur Chhattisgarh.

3 - Saiyma Parveen D/o Abdul Latif Aged About 33 Years R/o Meena Bhawan, Mana Camp, Ward No. 2 Jubi Manzil, Tehsil And District Raipur Chhattisgarh.

... Appellants**versus**

1 - Arvind Singh S/o Shri Bhaiyya Lal Singh Aged About 40 Years R/o Village Lauhajhar, Tahsil Majhouli Thana Madvas, District Sidhi (M.P.)

2 - M.M. Fish Seed Cultivation Private Limited, Through Manager Or Director Main Road, Mana Camp Raipur, Tehsil And, District : Raipur, Chhattisgarh

3 - The New India Insurance Company Limited, Through Divisional Manager Divisional Office No. 2nd Floor, L.I.C. Investment, Building Phase-1 Jeevan Bima Marg, Pandri Raipur, Tahsil And, District : Raipur, Chhattisgarh

4 - Janab Abdul Latif S/o Abdul Jabbar, Aged About 68 Years Address Houses No. 301/ Block D, R.D.A. Colony Boriyakhurd District Raipur Chhattisgarh.

... Respondents

For Appellants/Claimants : Mr. A.L. Singroul, Adv. and
Ms. Shaleeni Jangde, Adv.
For Respondent No. 1 : None.
For Respondent No. 2 : Ms. Sonia Kuldeep, Adv.
For Respondent No. 3 : Ms. Swati Agrawal, Adv.
For Respondent No. 4 : Mr. Amitesh Kumar Pandey, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(14.10.2026)

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 16.10.2023, passed in Claim Case No.394/2020, whereby the learned Claims Tribunal has awarded a total sum of Rs.25,78,000/- as compensation for the death of Late Tanveer Ahmed (36 years old), who died in a road accident which took place on 29.02.2020.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The deceased's total income is shown as ₹2,22,035 in Exhibit P-7, a fact corroborated by Income Tax Inspector Suresh Chand Sethi (AW-2), yet the Tribunal accepted an annual income of only ₹1,56,000/-; this is incorrect; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No. 3/insurance company supported the impugned award.
4. I have heard learned counsel for the parties and went

through the records with utmost circumspection.

5. In the case in hand, a perusal of ITR Exhibit P-7, pertaining to the Assessment Year 2019-20, reveals that the deceased's gross salary was ₹1,56,000; however, he also received interest income of ₹1,05,800/- from other sources and ₹235/- from bank savings. Since the specific source of the interest amount was not clarified, the figure of ₹1,56,000/- accepted by the Tribunal as income from salary is appropriate and requires no upward revision.
6. Upon perusal of the impugned award, it is evident that the Tribunal awarded Rs. 16,500/- towards loss of estate, Rs. 16,500/- towards funeral expenses, and Rs. 88,000/- towards loss of consortium to wife (Rs. 44,000) and mother and father (Rs. 44,000) of the deceased, aggregating to Rs. 1,21,000/- under the conventional heads. However, since there are 4 (four) dependents (including respondent No. 4), as per ***National Insurance Co. Ltd. v. Pranay Sethi, reported in (2017) 16 SCC 680***, all dependents are entitled to compensation for loss of consortium. Accordingly, the amounts payable towards loss of estate and funeral expenses remain unchanged at Rs. 16,500/- each, while the amount payable towards loss of consortium comes to Rs. 44,000/- each, totaling Rs. 1,76,000/-.
7. Thus, the compensation payable under the conventional heads is recomputed as under:

Loss of Estate	:	Rs.16,500/-
Funeral Expenses	:	Rs.16,500/-
Loss of Consortium (Rs.44,000/- × 4) :		Rs.1,76,000/-
Total	:	Rs.2,09,000/-

8. Since the Tribunal has already awarded Rs.1,21,000/- under the conventional heads, the appellants become entitled to an additional sum of **Rs.88,000/-** (2,09,000 – 1,21,000) under the said heads.

9. Consequently, the appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.88,000/-** over and above the amount awarded by the Tribunal. The enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.
10. Accordingly, the appeal stands **partly allowed** and the impugned award is modified to the aforesaid extent.
11. The Registry is directed to communicate the claimants in writing “the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu