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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1162 of 2026**

**1** - Smt. Sukvaro Bai Khadiya W/o Late Chintaram Khadiya Aged About 40 Years R/o Village and Post Office Sonasilli, Tahsil and Police Station Pithaura, District- Mahasamund (C.G.).

**2** - Minor Mukesh Khadiya S/o Late Chintaram Khadiya Aged About 16 Years Through His Natural Guardian Mother Smt. Sukvaro Bai Khadiya) R/o Village And Post Office Sonasilli, Tahsil and Police Station Pithaura, District- Mahasamund (C.G.).

**3** - Minor Rupendra Khadiya S/o Late Chintaram Khadiya Aged About 9 Years through His Natural Guardian Mother Smt. Sukvaro Bai Khadiya) R/o Village and Post Office Sonasilli, Tahsil and Police Station Pithaura, District- Mahasamund (C.G.)

**... Appellants****versus**

**1** - Bhagirathi Sahu S/o Shri Babulal Sahu Aged About 31 Years R/o Ward No. 04, Labin Khurd, Police Station Mahasamund (C.G.) (Driver And Owner Of Motorcycle H F Deluxe No. 06 C.G. G W- 9046).

**2** - Universe Sompo General Insurance Co. Ltd. Through Divisional Office -7 Anupamnagar Rapur, Tahsil and District- Raipur (C.G.) (Insurer of Motorcycle HF Deluxe No. C.G. 06 G W- 9046 )

**... Respondents**


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For the appellant : Mr. Kripesh G. Kela, Advocate

For the respondents : None for respondents though served

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**(Hon'ble Shri Justice Sanjay Kumar Jaiswal)****Judgment on Board****25/08/2026**

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed challenging the award dated 23<sup>rd</sup> July, 2025 passed by the First Additional Motor Accident Claims Tribunal, Mahasamund District Mahasamund in Claim Case No. H-250/2023.

2. As per the pleadings of the claim application filed under Section 166 of the MV Act, deceased Chintaram Khadiya succumbed to the injuries during treatment due to the accident occurred on 04.09.2023. The said accident was caused by respondent no.1 because of his rash and negligent driving. Appellant No.1 is widow and appellants 2 & 3 are minor sons of deceased. They being legal heirs filed claim application u/s 166 of MVA seeking a total compensation of Rs.40,24,000/- on various heads.

3. Learned claims Tribunal on a close scrutiny of the evidence brought on record and the pleadings made in application, took the monthly income of deceased as Rs 9960/-, added 25% future prospectus, deducted 1/3<sup>rd</sup> towards personal expenses and applied multiplier of 13 and thus worked out the total loss of dependency at Rs.12,94,800. Further more, under the other conventional heads, 84,700/- has been awarded by applying the principle of 10% automatic enhancement. Thus a total compensation of Rs. **13,79,500/-** has been awarded for the death of deceased in favour of the appellants with interest @ 6% per annum from the date of application till its realisation.

4. Learned counsel for the appellants does not touch the total loss of dependency worked out by the Tribunal and only confines his argument to the lumpsum figure of Rs.40,000/- granted to all the 3 dependents of deceased towards loss of consortium. He submits that consortium must be granted to each dependent individually, rather than as a joint lump-sum figure and as such, each claimant is entitled for Rs.48,000/- separately. Therefore the Tribunal ought to have granted a total of Rs.1,44,000/- for all three claimants

towards loss of consortium.

5. In view of the limited prayer made by the appellants, this Court is inclined to only touch the compensation granted for loss of consortium to the three claimants. The tribunal has granted a lumpsum of Rs.44000/- under this head for all the claimants. Under Motor Accident Claims, the Supreme Court has established that every individual dependent/claimant is entitled to a separate compensation for the loss of parental consortium. Thus each claimant is entitled to Rs.48,000/- separately and the total comes to Rs.1,44,000 (48,000 x 3). Further the amounts granted by Tribunal towards loss of estate and funeral expenses also seems to be lesser. Consequently, the award passed by the Tribunal is liable to be modified to that extent.

6. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130*, this Court is computing the compensation as below :

|    |                                                             |                    |
|----|-------------------------------------------------------------|--------------------|
| 1. | Total loss of dependency as granted by Tribunal (unchanged) | Rs. 12,94,800/-    |
| 2. | Loss of estate (changed)                                    | Rs. 18,000/-       |
| 3. | Funeral expenses (changed)                                  | Rs. 18,000/-       |
| 4. | Loss of consortium (48000 x 3)                              | Rs. 1,44,000/-     |
|    | <b>Total</b>                                                | <b>14,74,800/-</b> |

7. Thus the total compensation is recomputed to **Rs. 14,74,800/-** from

which after deduction of Rs. **13,79,500/-** as awarded by the Tribunal, the enhancement would be **Rs.95,300/-**. The claimants are entitled for enhanced amount of **Rs.95,300/-** in addition to what is already awarded by the Claims Tribunal. The enhanced amount shall carry interest @ 6% per annum from the date of claim petition till its realisation. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

8. In the result, the appeal is **partly allowed**. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

9. The Registry is further directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the amount awarded by the Tribunal. The said communication be made in Hindi Deonagri language and the help of para-legal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area where the claimants reside.

**Sd/-**

**Sanjay Kumar Jaiswal**  
**Judge**

Rao