



CGHC010185322023



2026:CGHC:43486

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MAC No. 933 of 2023

Cholamandlam MS General Insurance Company Ltd., Through Branch Manager, Vyapar Vihar Road, Bilaspur, District Bilaspur (C.G.) Through Authorized Officer, 2<sup>nd</sup> Floor Simaran Tower Pandri, In Front of LIC Building, Pandri, Raipur, Tehsil And District Raipur (C.G.)

... Appellant

versus

1. Smt. Rukhmani W/o Late Bhagwat Singh Markam Aged About 27 Years R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
2. Ku. Kritika D/o Late Bhagwat Singh Markam Aged About 6 Years Minor Through Mother Rukhmani Bai, R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
3. Nitin Kumar S/o Late Bhagwat Singh Markam Aged About 4 Years Minor Through Mother Rukhmani Bai, R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
4. Yuvraj S/o Late Bhagwat Singh Markam Aged About 2 Years Minor Through Mother Rukhmani Bai, R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
5. Suwan Singh S/o Mitthu Ram Markam Aged About 52 Years R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
6. Smt. Sonkunwar W/o Suwan Singh Markam Aged About 50 Years R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)
7. Ku. Nandani D/o Suwan Singh Markam Aged About 20 Years R/o Village And Post Umriya (Dadar) P.S. Ratanpur, District Bilaspur (C.G.)

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8. Dewanand S/o Shivkumar Sahu Aged About 20 Years R/o Village Podi Mohanda, P.S. Ratanpur, District Bilaspur (C.G.)
9. Yogesh Kumar S/o Puranlal Sahu Aged About 29 Years R/o Village Hirri, P.S. And Post Hirri, District Bilaspur (C.G.)

**... Respondents**

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| For Appellant | : Mr. Ghanshyam Patel, Advocate |
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| For Respondents | : None |
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**Hon'ble Shri Justice Sachin Singh Rajput**

**Order On Board**

**07.10.2026**

1. Mr. Ghanshyam Patel, learned counsel, appearing for the appellant.
2. None appears on behalf of the respondents despite service of notice.
3. The present appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "the MV Act") has been preferred by the appellant/Insurance Company assailing the legality, correctness and validity of the award dated 01.02.2023 passed by the learned First Additional Motor Accident Claims Tribunal, Bilaspur, (C.G.) in Claim Case No. 464/2020.
4. By the impugned award, against the claim of Rs. 65,00,000/-, the learned Claims Tribunal has awarded a sum of Rs. 23,34,326/- in favour of respondent Nos.1 to 7/claimants while partly allowing the claim application under Section 166 of the MV Act on account of the death of the deceased, namely, Bhagwat Singh Markam, in a motor accident.
5. As per the pleadings of the claimants, on 09.01.2020, the deceased met with an accident on account of rash and negligent driving of the offending vehicle, i.e. Bolero bearing registration No. CG-13-UA-2300, driven by respondent No.8 and owned by respondent No.9. As a result of the injuries sustained in the said accident, the deceased succumbed to his injuries.

6. As per the claim application, it is pleaded that the deceased was aged about 30 years and was earning Rs. 15,000/- per month. On account of his death, the claimants preferred the claim petition seeking compensation of Rs.65,00,000/-.
7. The respondents, including the Insurance Company, by filing their respective written statements and raising, *inter alia*, the plea of violation of the terms and conditions of the insurance policy.
8. The learned Claims Tribunal framed the issues and, after appreciating the evidence available on record, decided the same in favour of respondent Nos.1 to 7/claimants and awarded a sum of Rs.23,34,326/- as compensation under various heads.
9. Learned counsel appearing for the appellant/Insurance Company submits that the challenge in the present appeal is confined to the quantum of compensation awarded by the learned Claims Tribunal. It is contended that although seven dependents have been shown in the claim application, respondent No.7 is the sister of the deceased and, therefore, she could not have been treated as a dependent upon the deceased, particularly when she would ordinarily be dependent upon her parents, i.e. respondent Nos. 5 and 6. It is, therefore, submitted that the learned Claims Tribunal ought to have deducted 1/4th of the income of the deceased towards his personal and living expenses instead of 1/5th. He further submits that the learned Claims Tribunal has awarded an amount towards consortium in favour of respondent No.7, which was not permissible. On these grounds, learned counsel prays for suitable reduction in the amount of compensation awarded by the learned Claims Tribunal.
10. I have heard learned counsel for the appellant and perused the record.

- 11.** From the perusal of the claim application, it appears that the claimants had pleaded the monthly income of the deceased to be Rs.15,000/-. However, the learned Claims Tribunal assessed his monthly income at Rs.8,860/- by treating the same as the minimum wages applicable to an unskilled labourer. The learned Claims Tribunal determined the age of the deceased to be 30 years and, after deducting 1/5th towards his personal and living expenses, applied the multiplier of 17 and awarded compensation under the other permissible heads.
- 12.** The principal contention raised by learned counsel for the appellant is that the learned Claims Tribunal ought to have deducted 1/4th of the income towards personal and living expenses, instead of 1/5th, particularly in view of the fact that respondent No.7 is the sister of the deceased.
- 13.** It is true that respondent No.7 has been shown to be the sister of the deceased. However, while determining the compensation payable in a claim arising out of a motor accident, the Court is required to ensure that just and reasonable compensation is awarded on the basis of the facts and circumstances of the case. In the present case, the deceased was aged about 30 years. The evidence available on record indicates that the deceased was earning Rs.15,000/- per month. The learned Claims Tribunal, however, assessed his monthly income at only Rs.8,860/-.
- 14.** Though the claimants have not preferred any appeal or cross-objection seeking enhancement of the compensation, this Court cannot lose sight of the fact that the income assessed by the learned Claims Tribunal appears to be on the lower side, particularly having regard to the evidence available on record and the circumstances of the deceased's family.

15. It is also relevant to take note of the fact that the deceased left behind a young widow aged about 27 years, minor children aged about 6, 4 and 2 years, and parents aged about 52 and 50 years, who were dependent upon the income of the deceased.
16. In view of the aforesaid facts and circumstances, particularly considering that the learned Claims Tribunal has already assessed the income of the deceased at Rs.8,860/- per month, which appears to be on the lower side, I am not inclined to interfere with the award merely on the ground that the deduction towards personal and living expenses ought to have been made at a different rate. As regards the contention relating to the award of consortium in favour of respondent No.7, having regard to the overall facts and circumstances of the case and the fact that the compensation awarded by the learned Claims Tribunal is otherwise not excessive, I am of the considered view that no interference is warranted with the impugned award.
17. Consequently, I do not find any merit in the submissions advanced by learned counsel for the appellant. The award dated 01.02.2023 passed by the learned First Additional Motor Accident Claims Tribunal, Bilaspur, (C.G.) in Claim Case No. 464/2020 is hereby affirmed.
18. The appeal stands **dismissed** accordingly.

**Sd/-**  
**(Sachin Singh Rajput)**  
**Judge**