



CGHC010228942024



2026:CGHC:44552

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1359 of 2024**

1 - Smt. Gondo Bai W/o Kaleshwar Ram Aged About 43 Years R/o Village- Sakaidipa, Dumarkona, Police Station- Sanna, District - Jashpur, C.G.

2 - Kaleshwar Ram S/o Late Agnu Ram Aged About 50 Years R/o Village- Sakaidipa, Dumarkona, Police Station- Sanna, District - Jashpur, C.G.

3 - Chaneshwar Ram S/o Kaleshwar Ram Aged About 22 Years R/o Village- Sakaidipa, Dumarkona, Police Station- Sanna, District - Jashpur, C.G.

4 - Minor Vikas Ram S/o Kaleshwar Ram Aged About 10 Years Minor, Represented Thorough Natural Guardian Mother Smt. Gondo Bai Nageshiya, R/o Village- Sakaidipa, Dumarkona, Police Station- Sanna, District - Jashpur, C.G.

... Appellants**versus**

1 - Manshu Nageshiya S/o Late Mithiya Ram Aged About 57 Years R/o Village- Jamhati, Post- Dipadih Kala, Shankargarh, Police Station- Shankargarh, District- Balrampur-Ramanujganj, C.G.

2 - Sunder Sai Nag S/o Jeet Sai Nag Aged About 50 Years R/o Fuljhar Bagicha, Champakhudiya, Police Station- Bagicha, Tahsil- Bagicha, District - Jashpur, C.G.

3 - The Branch Manager Tata A.I.G. General Insurance Company Limited Office No. T-8 Fourth Floor, Gavlani Chamber, Vyapar Vihar, Main Road, Bilaspur 495001 C.G.

... Respondents

For Appellants	: Mr. K.K. Dewangan, Advocate.
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For Respondent Nos. 1 & 2	: None
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For Respondent No.3	: Mr. Sourabh Sharma and Mr. Sourabh Gupta, Advocates.
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Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order 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 20.12.2023, passed in Motor Accident Claim Case No.62/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.14,07,984/- as compensation for the death of Late Saru Kumar Nageshiya, who died in a road accident which took place on 10.08.2022.

- 2.** Brief facts of the case are that on 10.08.2022, the offending vehicle bearing registration No. CG-14-MN-1792 was being driven by Prem Kumar Nageshiya, son of respondent No.1. On the date of the accident, due to his rash and negligent driving of son of respondent No.1, the vehicle collided with the Harra turn bridge culvert and fell down from the bridge, resulting in the death of deceased Saru Kumar Nageshiya. In the same accident, Prem Kumar Nageshiya, the driver of the motorcycle bearing registration No. CG-14-MN-1792, also died. The offending vehicle was owned by respondent No.2-Sunder Sai Nag and was insured with respondent No.3-Tata AIG General Insurance Company.
- 3.** A claim petition was filed by the appellants/claimants who happen to be the legal heirs (mother, father and 02 brothers) of the deceased claiming a compensation of Rs.31,25,000/- *inter alia* pleading that the deceased at the relevant time was young unmarried boy aged about 23 years, he was doing Mason work and used to earn Rs.15,000/- per month.
- 4.** Pleading of the claimants have, however, been denied by the respondent No.3/insurance company.
- 5.** After evaluating the evidence available on record, the

Tribunal has awarded the compensation of Rs.14,07,984/- along with interest @ 9% per annum in favour of the appellants/claimants taking the monthly income of the deceased at Rs.8,320/- per month and Rs.99,840/- per annum, taking 40% towards future prospect, applying the multiplier of 18, deducting 1/2 towards his personal expenses and exonerating the insurance company having found the breach of policy condition of driving license. Hence, this appeal for enhancement.

6. Learned counsel for the appellants/claimants submits that the impugned award passed by the learned Tribunal is on the lower side and therefore liable to be modified suitably. Learned counsel further submits that the deceased at the relevant time was doing mason work and was earning Rs.15,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.8,320/-, which is not justified. He further submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably. It has been also submitted that the learned Tribunal has held that there was a breach of the policy conditions of driving license and has consequently

exonerated the Insurance Company from its liability, therefore, an appropriate direction for pay and recover may kindly be issued against the Insurance Company.

- 7.** None for respondent Nos. 1 & 2.
- 8.** Learned counsel appearing for respondent No.3/Insurance Company submits that the learned Claims Tribunal, after appreciating oral and documentary evidence, has rightly exonerated the insurance company upon finding the breach of policy condition of driving license and passed the impugned award, which does not call for any interference by this Court.
- 9.** I have heard learned counsel for the appellants and respondent No.3, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 10.** In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Saru Kumar Nageshiya was earning Rs.15,000/- per month by doing mason work, but the learned Claims Tribunal assessed the monthly income of the deceased at Rs.8,320/-. As regards the monthly income of the deceased, the claimants did not produce any credible and reliable evidence which could

establish that the deceased at the time of accident was doing mason work. Considering that the accident took place on 10.08.2022 and the deceased who was unmarried, it would be proper to take his monthly income of Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.

- 11.** The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 10.08.2022, the fact that he was unmarried aged 23 years, has rightly taken future prospect of 40% deducted 1/2 towards personal expenses and applied multiplier of 18 respectively.
- 12.** The learned claims Tribunal has awarded an amount of Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.80,000/- (40,000 x 2) to appellant Nos. 1 & 2 towards filial loss of consortium and Rs.40,000/- (20,000 x 2) to appellant Nos. 3 & 4 towards loss of consortium, which in the facts and circumstances of the case, considering the date of accident 10.08.2022 and the

case law governing the issue, is not found to be justified and needs to be modified suitably.

- 13.** Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 8,320 x 12 = Rs.99,840/-	Rs. 9960 x 12 = Rs.1,19,520/-
2.	Future prospect	(+)40% (i.e. Rs. 39,936/-) = Rs.1,39,776/-	(+)40% (i.e. Rs. 47,808/-) = Rs.1,67,328/-
3.	Deduction	(-) 1/2 (i.e. 69,888/-) = Rs.69,888/-	(-) 1/2 (i.e. 83,664/-) = Rs.83,664/-
4.	Multiplier	(x) 18 = Rs.12,57,984/-	(x) 18 = Rs.15,05,952/-
5	Towards consortium to all 04 claimants	Rs.1,20,000 /-	Rs. 44,000 x 4 = Rs.1,76,000/-
6.	Towards Loss of Estate.	Rs.15,000/-	Rs.16,500/-

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

7.	Towards funeral expenses.	Rs.15,000/-	Rs.16,500/-
	Total	Rs. 14,07,984/-	Rs. 17,14,952/-

- 14.** In view of the aforesaid analysis, the amount of compensation of Rs.14,07,984/- awarded by the Claims Tribunal is enhanced to Rs.17,14,952/-. Hence, after deducting the amount of Rs.14,07,984/-, the appellants are held entitled for an additional amount of **Rs.3,06,968/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization.
- 15.** As prayed by the appellants and in view of decision of Hon'ble Suprme Court in the matter of **Rama Bai Vs. Amit Minerals through Incharge Officer/Competent Officer and Another⁴** governing the issue of breach of policy condition of driving license & pay and recover of amount of compensation, it is directed that the amount of compensation shall be paid by respondent No.3/Insurance Company in the first instance, with liberty to recover the same from respondent No.2/owner of the offending vehicle, in accordance with law. Rest of the conditions of the impugned award shall remain intact.

⁴ (2025) SCC OnLine SC 2067

- 16.** In the result, the appeal filed by the appellants/claimants is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 17.** The Registry is directed to communicate the claimants in writing “the enhanced 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 resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge