



CGHC010236162025



2026:CGHC:44021

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1237 of 2025**

- 1** - Usha Harijan @ Usha Rawat W/o. Late Shri Suresh Ram Rawat Aged About 53 Years Occupation - Service, R/o. Ring Road Kedarpur, City - Ambikapur, District - Surguja (C.G.)
- 2** - Rekha Kumari Rawat D/o. Late Shri Suresh Ram Rawat Aged About 34 Years Occupation - Household Work, R/o. Ring Road Kedarpur, City - Ambikapur, District - Surguja (C.G.)
- 3** - Anil Kumar Rawat S/o. Late Shri Suresh Ram Rawat Aged About 32 Years Occupation - Labour, R/o. Ring Road Kedarpur, City - Ambikapur, District - Surguja (C.G.)
- 4** - Smt. Reena Devi W/o. Shri Arvind Kumar, D/o. Late Shri Suresh Ram Rawat Aged About 27 Years Occupation - Household Work, R/o. Village, Post And Thana - Sariya, District - Giridih (Jharkhand) Pin – 825320.
- 5** - Smt. Deepika Rawat W/o. Shri Kaushal Rawat, D/o. Late Shri Suresh Ram Rawat Aged About 24 Years Occupation - Household Work, R/o. Ring Road Kedarpur, City - Ambikapur, District - Surguja (C.G.)
- 6** - Ravi Rawat S/o. Late Shri Suresh Ram Rawat Aged About 22 Years Occupation - Labour, R/o. Ring Road Kedarpur, City - Ambikapur, District - Surguja (C.G.)

... Appellants

versus

1 - Dev Kumar S/o. Shri Dubraj Singh Aged About 32 Years Occupation - Driver, R/o. Village - Nawadih, Thana - Trikunda, Tahsil - Ramanujganj, District - Balrampur-Ramanujganj (C.G.) Presently R/o. Near Bangali Chowk, City - Ambikapur, District - Surguja (C.G.) (**Driver** Of Offending Vehicle No. CG-15-DQ-6300)

2 - Abhishek Singh S/o. Shri Ramesh Singh Aged About 50 Years Occupation - Transporting, R/o. S-02, D-01, Vasundhra Vihar Godhanpur, Ambikapur, Thana - Gandhinagar, Tahsil - Ambikapur, District - Surguja (C.G.) (**Owner** Of Offending Vehicle No. CG-15-DQ-6300).

3 - Branch Manager United India Insurance Co. Ltd., Branch Office - Main Road, Chakarbhatha Camp, Bodri, Bilaspur, District - Bilaspur (C.G.) Pin- 495220, Through Zonal Manager, United India Insurance Company Limited, Zonal Office, Bramh Road, City- Ambikapur, District - Surguja (C.G.) Pin - 497001 (Address Correctly Mentioned) (Insurer Of Offending Vehicle No. CG-15-DQ-6300)

... Respondents

For Appellants	: Mr. Rajendra Patel, Advocate.
For Respondent Nos. 1 & 2	: None

For Respondent No.3	: Mr. Pravesh Sahu, Advocate.
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Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****(12.10.2026)**

- 1.** Heard on I.A.No.01/2025, an application for condonation of delay in filing the appeal.
- 2.** There is delay of 12 days in filing the appeal.
- 3.** This is claimants' appeal for enhancement of the award amount.

4. Upon due consideration and for the reasons mentioned in the application, the same (I.A.No.01/2025) for condonation of delay in filing the appeal, is allowed and the delay of 12 days is hereby condoned.
5. Also heard on admission.
6. The appeal is admitted for hearing.
7. With the consent of learned counsel for the parties, the appeal is heard finally.
8. 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 25.02.2025, passed in Motor Accident Claim Case No.220/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,50,640/- as compensation for the death of Late Mukesh Rawat, who died in a road accident which took place on 25.05.2023.
9. Learned counsel for the appellants submits that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. He further submits that the deceased at the relevant time was working in Shera Gym and earning Rs.12,000/- per month, however, the learned Tribunal, without taking into consideration the aforesaid plea, only assessed the monthly income of the deceased at Rs.9,700/-, which is not justified. Learned counsel also submits that the amount towards consortium has been awarded only to appellant No. 1, the mother of the deceased, whereas the remaining appellants, who are the siblings of the deceased, have not been awarded any amount under the said head. It is, therefore, prayed that the remaining appellants may also be awarded appropriate compensation

towards consortium in accordance with law and the impugned award may be enhanced suitably.

- 10.** None for respondent Nos. 1 & 2.
- 11.** Learned counsel for respondent No.3/insurance company supporting the impugned award submits that the learned Claims Tribunal, after appreciating oral and documentary evidence, has rightly passed the impugned awards, which does not call for any interference by this Court. He further submits that there are three categories of consortium, namely, spousal consortium, parental consortium and filial consortium, and appellant Nos. 2 to 6, being the siblings of the deceased, do not fall within any of the aforesaid categories and, therefore, are not entitled to compensation under the head of consortium.
- 12.** I have heard learned counsel for the appellant and respondent No.3, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 13.** In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Mukesh Rawat was working in Shera Gym and was earning Rs.12,000/- per month, but the learned Claims Tribunal assessed the monthly income of the deceased at Rs.9,700/-. As regards the monthly income of the deceased, the claimants did not produce any credible evidence which could establish that the deceased at the time of accident was working in the Shera Gym. Considering that the accident took place on 25.05.2023 and the deceased who was unmarried, it would 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.

- 14.** The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 25.05.2023, the fact that he was unmarried aged 25 years, has rightly taken future prospect of 40% deducted 1/2 towards personal expenses and applied multiplier of 18 respectively. The learned Tribunal has awarded Rs.48,000/- to only appellant No.1 towards parental consortium and not awarded any sum to appellant Nos. 2 to 6 under consortium.
- 15.** Considering the facts and circumstances of the case, this Court is of the view that the amount of Rs.48,000/- awarded towards consortium exclusively to appellant No.1 does not adequately address the loss suffered by the family members of the deceased. Appellant Nos. 2 to 6 are the brothers and sisters of the deceased, and the untimely demise of their sibling would undoubtedly have caused them emotional pain and mental agony. Therefore, this Court considers it appropriate to award suitable compensation to appellant Nos. 2 to 6 towards the loss of love and affection, in accordance with law.
- 16.** 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. 9700x12 = Rs.1,16,400/-	Rs. 9960x12 = Rs.1,19,520/-

1(2017) 16 SCC 680
2(2009) 6 SCC 121
3(2018) 18 SCC 130

2.	Future prospect	(+) 40% (i.e. Rs. 46,560) = Rs.1,62,960/-	(+)40% (i.e. Rs.47,808) = Rs.1,67,328/-
3.	Deduction	(-) 1/2 (i.e.81,480) = Rs.81,480/-	(-) 1/2 (i.e.83,664) = Rs.83,664/-
4.	Multiplier	(x) 18 = 14,66,640/-	(x) 18 = 15,05,952/-
5	Towards Loss of consortium to claimant No.1	Rs. 48,000/-	Rs. 48,000/-
6.	Towards Loss of Love and Affection to claimant Nos. 2 to 6	--	Rs.48,000x 5 = Rs.2,40,000/-
7.	Towards Loss of Estate	Rs.18,000/-	Rs.18,000/-
8.	Towards funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	Rs.15,50,640/-	Rs.18,29,952/-

- 17.** In view of the aforesaid analysis, the amount of compensation of Rs.15,50,640/- awarded by the Claims Tribunal is enhanced to Rs.18,29,952/-. Hence, after deducting the amount of Rs.15,50,640/-, appellant No.1–Usha Harijan, who alone was held entitled to receive compensation by the learned Tribunal, shall be entitled to receive the enhanced compensation of **Rs.2,79,312/-**. 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. In addition, appellant Nos. 2 to 6 shall be entitled to receive the amount of Rs.48,000/- each towards loss of love and affection. Rest of the conditions of the

impugned award shall remain intact.

18. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
19. 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