CGHC010008512023 2026:CGHC:45095

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 61 of 2023

1 - Smt. Shweta Pandey W/o Late Chakradhar Pandey Aged About 35 Years Caste Bramhan, R/o Village Nagarda, Thana Nagarda, District Janjgir Champa Chhattisgarh Hall Mukam Village Mahuda, Thana and Tahsil Champa District Champa Chhattisgarh.

2 - Yagyapal Pandey S/o Late Chakradhar Pandey Aged About 14 Years Minor Through Legal Guardianmother Smt. Shweta Pandey W/o Late Chakradhar Pandey Caste Bramhan, R/o Village Nagarda, Thana Nagarda, District Janjgir Champa Chhattisgarh Hall Mukam Village Mahuda, Thana and Tahsil Champa District Champa Chhattisgarh.

3 - Khilavan Pandey S/o Late Chakradhar Pandey Aged About 14 Years Minor Through Legal Guardianmother Smt. Shweta Pandey W/o Late Chakradhar Pandey Caste Bramhan, R/o Village Nagarda, Thana Nagarda, District Janjgir Champa Chhattisgarh Hall Mukam Village Mahuda, Thana and Tahsil Champa District Champa Chhattisgarh.

4 - Bharat Lal S/o Late Bodhan Aged About 74 Years Caste Bramhan, R/o Village Nagarda, Thana Nagarda, District Janjgir Champa Chhattisgarh Hall Mukam Village Mahuda, Thana And Tahsil Champa District Champa Chhattisgarh.

5 - Smt. Jayanti Bai W/o Bharat Lal Aged About 65 Years Caste Bramhan, R/o Village Nagarda, Thana Nagarda, District Janjgir Champa Chhattisgarh Hall Mukam Village Mahuda, Thana and Tahsil Champa District Champa Chhattisgarh. **... Appellants**

versus

1 - Sunil Das Mahant S/o Pardeshi Das Mahant Aged About 23 Years R/o - Purani Basti Dadarkhurd Manikpur, Thana Rampur, District Korba Chhattisgarh. (Owner cum Driver of Offending Vehicle Motor Cycle No. C.G. 12/a.Z./0914).

2 - Branch Manager, Magma H. D. I. General Insurance Company Limited,

No. -3, New, Ground Floor Rajkumar Office-Bilaspur District Bilaspur Chhattisgarh (Insurer of Offending Vehicle Motor Cycle No. C.G. 12/A.Z./0914). **... Respondents**

For the appellants	**:**	Mr. Vikas Pandey, Advocate
For respondent no.2	**:**	Mr. Prashant Sahu, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

26.10.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging the impugned award dated 09.11.2022 passed by the Ist Additional Motor Accident Claims Tribunal, Janjgir Chhattisgarh in Claim Case No. 50/2022 whereby a total compensation of Rs.12,99,577/- has been granted.

2. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Chakradhar Pandey sustained grievous head injury in an accident took place on 28.03.2022 due to rash and negligent driving of respondent no.1 who drove the offending Motorcycle No. C.G. 12/AZ/0914 and hit the deceased's motorcycle. The deceased was immediately admitted in hospital for treatment where he died on 01.04.2022. Appellant No.1 is the widow, appellants 2 & 3 are minor children and appellants 4 & 5 are parents of the deceased. They being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs. 1,31,24,000/-.

3. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side and the amounts granted under the other conventional heads are also meagre, thereby, just compensation has not been awarded. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no.3/Insurer submits that the

Tribunal has granted adequate compensation and the impugned award needs no interference.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.

6. The claimants pleaded that the deceased was earning monthly income of Rs.30,000/- by doing the job of Priest and by driving the vehicle. However, the Tribunal took the income of deceased as Rs. 6000/- per month, which seems to be on lower side. In absence of any cogent reliable evidence regarding the nature of job and income of deceased and looking to the prevalent market rates, it would be appropriate to take his monthly income to be Rs.9,280/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable at the time of accident occurred on 28.03.2022.

7. Since the age of deceased was found to be 37 years and there are 5 dependents, following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted 1/4th towards personal expenses and applied multiplier 15 which cannot be said to be unsustainable.

8. The Tribunal has awarded a joint lumpsum of **Rs.77,000/-** under the other conventional heads i.e., loss of consortium; loss of estate and funeral expenses which appears to be meagre. As regards consortium, it appears that a lumpsum amount (44,000/-) has been granted for all the 5 claimants, which cannot be allowed to sustain. Under Motor Accident Claims, the Supreme Court has established that every individual dependent-claimant is entitled to a separate compensation for the loss of consortium or love and affection. There are five claimants in this case. Thus each claimant is entitled to Rs.44,000/- separately and the total comes to Rs.2,20,000/- under this specific head.

9. As regards treatment expenses, the claimants have produced medical bills vide Ex.P-7 to P-13 showing that an amount of Rs.88,577/- was incurred for treatment of deceased. The death has occurred on 01.04.2022 after four days of the accident. Though the Tribunal has properly granted Rs.88,577/- in this regard, yet it failed to grant any compensation for attendant charges or for the family members who lost time and resources to care of the deceased during treatment. Therefore, it would be appropriate to combine the medical expenses of Rs.88,577/- with a reasonable allowance for care-taking, rounding the total figure up to a flat ₹1,20,000/-.

10. 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 :

Sl.No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Total loss of dependency	**11,34,000/-**	**Rs.9,280** X **12** = **1,11,360** plus Future Prospectus- **40%** i.e., **44,544/-.** = **1,55,904/-** minus **1/4th** deduction of personal expenses i.e., **38,976/-** = **1,16,928** x **15** multiplier = **17,53,920/-**
2.	Medical Expenses plus Care-taking/ attendant charges	**88,577/-** (only medical expenses granted)	**1,20,000/-**
3.	Loss of estate		**16,500/-**
4.	Funeral expenses		**16,500/-**
5.	Loss of consortium		(44000 x 5

			Claimants) **2,20,000/-**
6.	Lumpsum granted under the other heads at Sl.Nos. 3, 4 & 5.	**77,000/-**	
	Total Rs.	**12,99,577/-**	**21,26,920/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs. 12,99,577/- awarded by the Claims Tribunal is enhanced to Rs.21,26,920/- Hence, after deducting the amount of Rs 12,99,577/- the appellants held entitled for an additional sum of **Rs.8,27,343/-.** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

12. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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