BHOLA NATH KHATAI
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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 119 of 2023

1 - Smt. Kaushilya Bai Patel W/o Late Suresh Kumar Aged About 24 Years R/o Chhindpara, Budbud Pali, Police Station Pali, District Korba (C.G.) Present R/o Near Oil Depo Of Tarbahar, Police Station Tarbahar, Tahsil Bilaspur, District Bilaspur (C.G.).....Claimant.

2 - Nayan Kumar Patel S/o Late Suresh Kumar Aged About 5 Years Through Natural Guardian Mother Smt. Kaushilya Bai Patel, R/o Chhindpara, Budbud Pali, Police Station Pali, District Korba (C.G.) Present R/o Near Oil Depo Of Tarbahar, Police Station Tarbahar, Tahsil Bilaspur, District Bilaspur (C.G.).....Claimant.

3 - Jhangluram Patel S/o Late Rajau Patel Aged About 57 Years R/o Chhindpara, Budbud Pali, Police Station Pali, District Korba (C.G.) Present R/o Near Oil Depo Of Tarbahar, Police Station Tarbahar, Tahsil Bilaspur, District Bilaspur (C.G.).....Claimant.

4 - Smt. Sahetrin Bai W/o Jhangluram Patel Aged About 54 Years R/o Chhindpara, Budbud Pali, Police Station Pali, District Korba (C.G.) Present R/o Near Oil Depo Of Tarbahar, Police Station Tarbahar, Tahsil Bilaspur, District Bilaspur (C.G.).....Claimant.

... Appellant(s)

versus

1 - Shankar Singh Gond S/o Bahadur Singh Aged About 25 Years R/o Uslapur, Lord Shankar Mandir Gokane Nala Sakari Road, Police Station And Tahsil Sakri, District Bilaspur (C.G.).....(Driver Of Trailer Bearing No. C.G.10 A.K.9027)

2 - M/s Sneha Transport Services R/o Near UCO Bank Gaurav Path, Ring Road No.2 Shanti Nagar Bilaspur, Tahsil And District Bilaspur (C.G.).....(Owner Of Trailer Bearing No. C.G.10 A.K.9027)

3 - United India Insurance Company Ltd. Through Branch Manager, Branch Office Second Floor Gurukripa Tower, Vyapar Vihar, Infront Of Ambar Mobile Bilaspur Tahsil And District Bilaspur (C.G.).....(Insurance Company Of Trailer Bearing No. C.G.10 A.K.9027)

... Respondent(s)

For Appellant(s)	**:**	Mr. Vipin Singh Thakur, Advocate
For Respondent No.3	**:**	Ms. Swati Agrawal, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(26.10.2026)

1. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter is heard finally.

2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the 8th Additional Motor Accident Claims Tribunal, Bilaspur (C.G.), vide impugned award dated 06.03.2021 passed in Claim Case No. 257/2019, whereby the Tribunal has awarded a total sum of ₹22,19,858/- as compensation on account of the death of Suresh Patel in a motor vehicle

accident that occurred on 28.11.2018.

3. Learned counsel appearing for the appellants/claimants submits that the compensation awarded under the head of loss of consortium is on the lower side and deserves suitable enhancement in accordance with the settled principles of law. He further submits that although the Tribunal has taken note of the medical expenses amounting to ₹54,844/- incurred during the treatment of the deceased, the said amount has inadvertently not been included while computing the total compensation. It is, therefore, prayed that the compensation be suitably enhanced under the aforesaid heads.

4. Per contra, learned counsel appearing for respondent No. 3/Insurance Company supports the impugned award and submits that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference by this Court.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the record of the case.

6. Learned Tribunal has awarded compensation under the following heads:

S. No.	**Heads**	**Amount**
1.	Loss of dependency	21,39,858
2.	Loss of love and affection	5,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Mental pain and suffering	5,000

6.	Loss of spousal consortium	40,000
	Total	**Rs.22,19,858**

7. So far as the claim for enhancement under the head of loss of consortium is concerned, it is evident from the impugned award that the Tribunal has awarded a sum of ₹5,000/- for love and affection and ₹40,000/- towards loss of spousal consortium. However, in view of the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680**, and the law governing consortium, each of the claimants is entitled to Rs.40,000 under the said head.

8. In the present case, the accident occurred on 28.11.2018, and the deceased, Suresh Patel, succumbed to his injuries on 29.11.2018 during treatment in the hospital. A perusal of paragraph 18 of the impugned award reveals that the Tribunal has taken note of the medical expenses amounting to ₹54,844/- incurred during the treatment of the deceased. However, the said amount has inadvertently not been included in the computation of compensation. Therefore, the appellants/claimants are entitled to the said amount towards medical expenses.

9. Accordingly, the compensation is recomputed as under:

S. No.	**Heads**	**Amount**
1.	Loss of dependency	21,39,858
2.	Loss of estate	15,000
3.	Funeral expenses	15,000
4.	Loss of consortium (Rs.40,000 each to the four claimants)	1,60,000

		(40,000 x 4)
5.	Medical expenses	54,844
	Total	**Rs.23,84,702**

10. In view of the aforesaid analysis, the compensation of Rs.22,19,858/- awarded by the Claims Tribunal is enhanced to Rs.23,84,702/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants shall be entitled to an additional amount of Rs.**1,64,844/-.** The aforesaid enhanced/additional amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

11. Accordingly, the appeal stands **partly allowed**. The impugned award is modified to the extent indicated hereinabove.

12. The Registry is directed to communicate the claimants in writing "the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai