CGHC010029282023 2026:CGHC:46435

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 304 of 2023

1 - Smt. Jaya Solanki Wd/o Late Neerah Solanki, Aged About 42 Years, R/o Village Bhanpuri, Near High School, P.S. Bhanpuri, District Bastar Chhattisgarh.

2 - Ku. Janhavi Solanki D/o Neeraj Solanki, Aged About 19 Years, R/o Village Bhanpuri, Near High School, P.S. Bhanpuri, District Bastar Chhattisgarh.

3 - Ku. Nalini Solanki D/o Late Neeraj Solanki, Aged About 17 Years, R/o Village Bhanpuri, Near High School, P.S. Bhanpuri, District Bastar Chhattisgarh.

4 - Banshisingh Solanki S/o Late Jodhan Singh Solanki, Aged About 75 Years, R/o Village Bhanpuri, Near High School, P.S. Bhanpuri, District Bastar Chhattisgarh.

5 - Smt. Mandodari Devi Solanki W/o Banshi Singh Solanki, Aged About 70 Years, R/o Village Bhanpuri, Near High School, P.S. Bhanpuri, District Bastar Chhattisgarh.

... Appellants

versus

1 - Aakash Kumar S/o Nirmal Kumar, Through Imran Nagriya S/o Lage Ikbal Nagriya, Proprietor M/s Baster Dairy Farm, (B.D.F. Dugdh), Pratapganj Para, Jagdalpur, District Bastar Chhattisgarh (Driver Of The Vehicle).

2 - Imran Nagriya S/o Late Ikbal Nagriya, Proprietor S/o Nirmal Kumar, Through Imran Nagriya S/o Lage Ikbal Nagriya, Proprietor M/s Baster Dairy Farm, (B.D.F. Dugdh), Pratapganj Para, Jagdalpur, District Bastar Chhattisgarh (Owner Of The Vehicle).

3 - Iffco Tokio Genral Insurance Company Limited Through Branch Manager, Office At Shop No. 205, Second Floor M.M. Silver Plaza, Mahaveer Nagar Ring Road No. 01, Raipur District Raipur Chhattisgarh (Insurance Company).

... Respondent(s)

For Appellant : Mr. Vikas Patel, Advocate

For Respondent No.3 : Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(03.11.2026)

1. Heard on I.A. No.01/2023, for condonation of delay in filing the appeal.

2. The present appeal has been preferred by the claimant seeking enhancement of the compensation awarded by the Claims Tribunal.

3. Upon due consideration, I.A. No.01/2026 is allowed and the delay of 75 days in filing the appeal stands condoned.

4. Heard on admission.

5. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants challenging the award dated 05.08.2022 passed by learned 03rd Additional Motor Accident Claims Tribunal, Bastar Place Jagdalpur, (CG) in Motor Accident Claim Case No.12/2021, whereby the Tribunal has awarded a total compensation of Rs.26,15,500/- on account of the death of Neeraj Solanki, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 18.04.2020.

6. Learned counsel appearing for the appellant submits that the deceased, Neeraj Solanki, was running a Kirana and Mobile Shop and was also a graduate (B.A.). He further submits that the deceased was earning Rs.30,000/- per month. However, the learned Tribunal has committed an error in not accepting the aforesaid claim and, while assessing the income of the deceased, has determined his monthly income at Rs.15,000/- only. He, therefore, submits that the compensation awarded by the learned Tribunal deserves to be suitably enhanced.

7. Learned counsel appearing for Respondent No. 3/Insurance Company has supported the impugned award and submitted that,

although the deceased had passed the 10th and 12th examinations and had also obtained a Bachelor's degree in Arts (B.A.), there is no cogent evidence on record to establish his actual work and income. He, therefore, submits that the income of the deceased assessed by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

8. The Tribunal, while considering the income of the deceased in paragraph 16 of the impugned award, has recorded a finding that, although it was claimed by the claimant that the deceased was earning Rs.30,000/- per month by running a Kirana shop and a mobile shop, no documentary or other cogent evidence was adduced on record to substantiate the said assertion. There is no clinching evidence on record to establish that the deceased was running a Kirana shop and a mobile shop or that he was engaged in any skilled employment. In the absence of any reliable evidence regarding the actual income or nature of employment of the deceased, the Tribunal assessed his monthly income at Rs.15,000/-. Hence, this Court finds no infirmity or illegality in the assessment of the monthly income of the deceased by the Tribunal.

9. Upon an overall consideration of the evidence available on record and the findings recorded by the Tribunal, this Court is of the considered opinion that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference.

10. Consequently, finding no merit in the present appeal, the same is hereby **dismissed** at the admission stage.

11. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

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