CGHC010032792025 2026:CGHC:43719

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 251 of 2025

1 - Smt. Vinti Chandravanshi W/o Late Suresh Chandravanshi Aged About 35 Years R/o Village Ward No. 14, Bhatapara Sambalpur Tahsil And Police Station Saja District - Bemetara (C.G.) (Claimants)

2 - Lovkesh Chandravanshi S/o Late Suresh Chandravanshi Aged About 17 Years Minor Through Their Natural Guardian Mother Appellant No. 1 R/o Village Ward No. 14, Bhatapara Sambalpur Tahsil And Police Station Saja District - Bemetara (C.G.)

3 - Vinay Kumar Chandravanshi S/o Late Suresh Chandravanshi Aged About 16 Years Minor Through Their Natural Guardian Mother Appellant No. 1 R/o Village Ward No. 14, Bhatapara Sambalpur Tahsil And Police Station Saja District - Bemetara (C.G.)

4 - Khushi Chandravanshi D/o Late Suresh Chandravanshi Aged About 13 Years Minor Through Their Natural Guardian Mother Appellant No. 1 R/o Village Ward No. 14, Bhatapara Sambalpur Tahsil And Police Station Saja District - Bemetara (C.G.)

5 - Arjun Chandravanshi S/o Butu Aged About 80 Years R/o Village Ward No. 14, Bhatapara Sambalpur Tahsil And Police Station Saja District - Bemetara (C.G.)

... Appellants

versus

1 - Tikeshwar Jangde Minor Through His Father Vyas Kumar Jangde Aged About 17 Years 9 Months R/o Village Kevtra Tahsil And Police Station Saja District - Bemetara (C.G.) (Driver Of Motor Cycle Honda Shine No. C.G. /25/ N/ 1857)

2 - Vyas Kumar Jangde S/o Nandkumar Jangde Aged About 40 Years R/o Village Kevtra Tahsil And Police Station Saja District - Bemetara (C.G.) (Owner Of Motor Cycle Honda Shine No. C.G. /25 /n/ 1857)

3 - Manager Shriram General Insurance Company Limited 4th Floor Maruti Hights Building Inside Of R.K. Mall Mahoba Market Raipur District - Raipur (C.G.) (Insurance Company Of Motor Cycle Honda Shine No. C.G. 25/n / 1857)

--- **Respondent(s)**

For Appellants	:	Mr. Amit Kumar Sahu, Advocate
For Respondents No.1 & 2	:	None
For Respondent No.3	:	Mr. Utsav Mahiswar, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(08.10.2026)

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 09.12.2024, passed in Claim Case No.83/2024 by learned Motor Accident Claims Tribunal, Bemetara (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.15,48,668/- as compensation for the death of Suresh Chandravanshi who was aged about 45 years and died in a road accident which took place on 09.04.2024. The Tribunal has also found breach of insurance policy conditions, therefore, exonerated the Insurance Company from its liability and fastened the liability upon Respondent No.2/owner.

2. Learned counsel for the appellant would submit that the

learned Claims Tribunal has erred in awarding 10% towards future prospects, whereas it ought to have been 25%, and has also awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal may be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced. He further submits that an order of pay and recover may also be passed.

3. Learned counsel for respondent No. 3 / Insurance Company would submit that since there was a breach of the conditions of the insurance policy, the Insurance Company has rightly been exonerated by the Claims Tribunal. He further submits that an order of pay and recover may not be applicable in this case as, at the time of the accident, the driver was a minor. In support of his submission, he places reliance on the judgment of the Hon'ble Supreme Court in **United India Insurance Company Vs. Rakesh Kumar Arora and Others, (2008) 13 SCC 298.**

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In the case at hand, it is true that the learned Tribunal has added 10% towards future prospects, whereas considering the age of the deceased i.e. 45 years, it ought to have been 25%. Furthermore, under other conventional heads, the Tribunal has granted only Rs. 1,10,000/-, whereas it ought to have been Rs. 2,28,000/-. To that extent, the impugned award needs to be modified.

6. 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 Sethi[1], **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[2] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	Rs. 10380 x 12 = 1,24,560/-	Rs. 10380 x 12 = 1,24,560/-
2.	Future prospect	(+)10% (i.e. Rs. 12456) = 1,37,016/-	(+)25% (i.e. Rs. 31,140) = 1,55,700/-
3.	Deduction	(-) 1/4 (i.e. 34254) = 1,02,762/-	(-) 1/4 (i.e. 38925) = 1,16,775/-
4.	Multiplier	(x) 14 = 14,38,668/-	(x) 14 = 16,34,850/-
5	Other conventional heads	Rs. 1,10,000/-	Rs. 2,28,000/- (18000+18000+192000)
	Total	**Rs. 15,48,668/-**	**Rs. 18,62,850/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.15,48,668/- awarded by the Claims Tribunal is enhanced to Rs.18,62,850/-. Hence, after deducting the amount of Rs.15,48,668/-, the appellants are held entitled for an additional amount of Rs.3,14,182/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

the Claims Tribunal till its realization.

8. It is undisputed that the offending vehicle was insured with respondent No. 3 / Insurance Company. The case law relied upon by the Insurance Company is distinguishable on facts and, therefore, is of no assistance to it. Since there is a breach of the conditions of the driving licence, in light of the settled legal position laid down by the Hon'ble Supreme Court in **Rama Bai Vs. Amit Minerals through Incharge Officer/ Competent Officer and Another** reported in **2025 SCC OnLine SC 2067,** this Court directs the Insurance Company to satisfy the award at the first instance, with liberty to recover the same from the owner and driver of the offending vehicle. The rest of the conditions of the impugned award shall remain intact.

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

10. 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

-Shubham