CGHC010092802023 2026:CGHC:46288

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 467 of 2023

1 - Tata A.I.G. General Insurance Company Limited Through Its Legal Manager, Office No. 403, 4th Floor, Db, City Corporate Park, Flat No. 1, Block No. 9, Rajbandha Maidan, Raipur, District : Raipur, Chhattisgarh (Insurer).

... Appellant

versus

1 - Kamla Bai W/o Shri Bedprasad Lahre Aged About 46 Years R/o Village Khairjhiti, Police Station Kota, District : Bilaspur, Chhattisgarh.

2 - Be Prasad (Bed) Lahre S/o Shri Toman Lal Aged About 60 Years R/o Village Khairjhiti, Police Station Kota, District : Bilaspur, Chhattisgarh.

3 - Mayawati D/o Shri Bed Prasad Lahre Aged About 25 Years R/o Village Khairjhiti, Police Station Kota, District : Bilaspur, Chhattisgarh.

4 - Dhaneshwar Banjara S/o Shri Banshi Banjara Aged About 32 Years R/o Village Sonpuri, P. O. Devri Police Station Mungeli (Owner-Cum Driver Motorcycle No. C. G. 28 J-7148), District : Mungeli, Chhattisgarh.

... Respondent(s)

For Appellant	:	Ms. Harneet Kaur Khanuja, Advocate
For Respondents	:	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(02.11.2026)

1. The present appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, the "Act of 1988"), has been preferred by the appellant/Insurance Company challenging the award dated 12.12.2022 passed by the learned Claims Tribunal in Motor Accident Claims Case No. 432/2020, whereby the learned

Tribunal awarded a total compensation of Rs.19,42,936/- to the claimants under Section 166 of the Act of 1988 on account of the death of Ravindra Lahre in a road accident that occurred on 24.10.2019 and directed the appellant/Insurance Company to satisfy the award in the first instance, with liberty to recover the amount so paid from respondent No. 4.

2. Learned counsel for the appellant/Insurance Company submits that the learned Tribunal has erred in issuing a direction for pay and recover after exonerating the appellant/Insurance Company from its liability. She, therefore, submits that the direction for "pay and recover", in the facts and circumstances of the present case, is contrary to law and deserves to be set aside. She further submits that, since the deceased was unmarried at the time of the accident, the deduction towards personal and living expenses ought to have been made at the rate of 1/2 instead of 1/3. On these grounds, she prays that the impugned award be modified to the aforesaid extent.

3. None appeared on behalf of the respondents during final hearing of this case.

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

5. In the present case, it is true that the learned Claims Tribunal has recorded a finding regarding breach of the policy conditions on the ground that, at the time of the accident, the driver-cum-owner, namely, Dhaneshwar Banjara, was not holding a valid and effective driving licence to drive the offending vehicle. However, while considering the said breach, the learned

Tribunal has rightly held that the offending vehicle was insured with the appellant/Insurance Company and, accordingly, directed the Insurance Company to satisfy the award in the first instance, with liberty to recover the amount so paid from the owner and driver of the offending vehicle. In view of the settled legal position laid down by the Hon'ble Supreme Court in **Rama Bai v. Amit Minerals through In-charge Officer/Competent Officer and Another.**[1] the direction issued by the learned Claims Tribunal for "pay and recover" does not warrant any interference by this Court.

6. In the present case, there are three claimants, i.e., the mother, father and one major sister of the deceased. Since the deceased was unmarried and his parents are also claimants, the deduction towards his personal and living expenses ought to have been made at the rate of 1/2 instead of 1/3.

7. Considering the date of the accident, the age of the deceased (20 years) and the number of dependants, this Court finds that the monthly income assessed by the Tribunal, the addition towards future prospects, the multiplier applied and the amounts awarded under the conventional heads are just, proper and in accordance with law. However, in view of the modification in the deduction towards personal expenses, the compensation is required to be recomputed.

8. Thus, in light of the aforesaid discussion and the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. V. Pranay Sethi**[2]**, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[3] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[4], the compensation is recomputed as under:-

Sl.	**Heads**	**Compensation**	**Compensation**

1 2025 SCC OnLine SC 2067

2 (2017) 16 SCC 680
3 (2009) 6 SCC 121
4 (2018) 18 SCC 130

No.		**awarded by the Tribunal**	**awarded by this Court**
1	Income	8,710x12 =1,04,520	8,710x12 =1,04,520
2.	Future prospects	(+)40% (i.e.41,808) = 146328	(+)40% (i.e.41,808) = 146328
3.	Deduction	(-) 1/3 =97,552	(-) 1/2 =73,164
4.	Multiplier	(x) 18 = 17,55,936	(x) 18 = 13,16,952
5.	Funeral Expenses	15,000	15,000
6.	Loss of Estate	15,000	15,000
7.	Loss of consortium	1,20,000 (40,000 x 3)	1,20,000 (40,000 x 3)
8.	Medical bills	37,000	37,000
	Total	**Rs. 19,42,936**	**Rs. 15,03,952**

9. Thus, the total compensation is recomputed at Rs.15,03,952/- as against Rs.19,42,936/- awarded by the learned Claims Tribunal. The claimants shall be entitled to receive the aforesaid amount, and rest of the conditions shall remain intact.

10. Consequently, the appeal is **partly allowed**. The impugned award is modified to the extent indicated hereinabove.

11. 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

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