CGHC010098672025 2026:CGHC:46229

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 650 of 2025

1 - Janki Bai W/o Late Sampat Lal Aged About 38 Years R/o Village- Dudhniya, Katgodhi, PS & Tehsil- Sonhat, District Korea, C.G.

2 - Shriram S/o Late Sampat Lal Aged About 23 Years R/o Village- Dudhniya, Katgodhi, Ps And Tehsil- Sonhat, District Korea, C.G.

3 - Raju Kumar S/o Late Sampat Lal Aged About 20 Years R/o Village- Dudhniya, Katgodhi, Ps And Tehsil- Sonhat, District Korea, C.G.

... Appellants

versus

1 - Sewakram S/o Harilal Singh Aged About 24 Years R/o Village- Sonari, Ps And Tehsil- Sonhat, District Korea, C.G. (**Owner** And **Driver**)

2 - Branch Manager, Cholamandlam M.S. General Insurance Company Limited, Ward No. 25 (Guru Govind Singh Ward), 2nd Floor, Simran Towers, Pandri Road, Opp Lic Building, Raipur, District- Raipur, C.G. (**Insurance** Company)

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... **Respondents**

For Appellants	:	Mr. Shobhit Koshta, Advocate.
For Respondent No. 1	:	None
For Respondent No.2	:	Mr. S.K. Kushwaha Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(02.11.2026)

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 28.11.2024, passed in Motor Accident Claim Case No.88/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.13,94,880/- as compensation for the death of Late Sampat Lal, who died in a road accident which took place on 19.10.2023.

2. Brief facts of the case are that on 19.10.2023, deceased Sampat Lal was proceeding on his bicycle from Village Dudhaniya to Village Tejra to visit the house of his son-in-law. When he reached near Village Telaidhar Jampara, respondent No.1/the driver of motorcycle bearing registration No. CG-16-CP-1854, driving his motorcycle in a

rash and negligent manner, came from the opposite direction and dashed against the deceased, as a result of which Sampat Lal sustained grievous injuries and died on the spot. The offending vehicle was owned by respondent No.1-Sewak Ram and was insured with respondent No.2-Cholamandlam M.S. General Insurance Company Ltd.

3. A claim petition was filed by the appellants/claimants who happen to be the legal heirs (Wife and two son) of the deceased claiming a compensation of Rs.44,00,000/- *inter alia* pleading that the deceased at the relevant time was aged about 39 years, he was doing Mason and agricultural work and used to earn Rs.15,000/- per month.

4. After evaluating the evidence available on record, the Tribunal has awarded the compensation of Rs.13,94,880/- along with interest @ 6% per annum in favour of the appellants/claimants taking the monthly income of the deceased at Rs.7,410/- per month and Rs.88,920/- per annum, taking 40% towards future prospect, applying the multiplier of 15, deducting 1/3 towards his personal expenses and exonerating the insurance company having found the breach of policy condition of driving license. Hence, this appeal for enhancement.

5. Learned counsel for the appellants/claimants submits that the impugned award passed by the learned Tribunal is on the lower side and therefore liable to modified suitably. Learned counsel further submits that the deceased at the relevant time was doing mason and agricultural work and was earning Rs.15,000/- - Rs.20,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.7,410/-, which is not justified. He further submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably. It has been also submitted that the learned Tribunal has held that there was a breach of the policy conditions of driving license and has consequently exonerated the Insurance Company from its liability, therefore, an appropriate direction for pay and recover may kindly be issued against the Insurance Company.

6. None for respondent No. 1.

7. Learned counsel appearing for respondent No.2/Insurance Company submits that the learned Claims Tribunal, after appreciating oral and documentary evidence, has rightly exonerated the insurance company upon finding the breach of policy condition of driving license and passed the

impugned award, which does not call for any interference by this Court.

8. I have heard learned counsel for the appellants and respondent No.2, considered their rival submissions made herein-above and went through the records with utmost circumspection.

9. In the present case, the appellants/claimants pleaded before the Claims Tribunal that deceased Sampat Lal was earning Rs.15,000/- - Rs.20,000/- per month by doing mason and agricultural work, but the learned Claims Tribunal assessed the monthly income of the deceased at Rs.7,410/-. As regards the monthly income of the deceased, the claimants did not produce any cogent and reliable evidence which could establish that the deceased at the time of accident was doing mason and agricultural work. Considering that the accident took place on 19.10.2023, it would be proper to take his monthly income of Rs.10,100/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.

10. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 19.10.2023, the fact that he was married aged 39 years and the number of dependents (03), has rightly taken future prospect of 40%, deducted 1/3 towards personal expenses and applied multiplier of 15 respectively.

11. The learned claims Tribunal has awarded an amount of Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.1,20,000/- (40,000x3) to appellants towards loss of consortium (spousal consortium to appellant No.1 and parental consortium to appellant Nos. 2 & 3), which in the facts and circumstances of the case, considering the date of accident 19.10.2023 and the case law governing the issue, is not found to be justified and needs to be modified suitably.

12. 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 @**

1(2017) 16 SCC 680

2(2009) 6 SCC 121

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.7,410 x 12 = Rs.88,920/-	Rs. 10,100 x 12 = Rs.1,21,200/-
2.	Future prospect	(+)40% (i.e. Rs.35,568/-) = Rs.1,24,488/-	(+)40% (i.e. Rs.48,480/-) = Rs.1,69,680/-
3.	Deduction	(-) 1/3 (i.e. Rs.41,496/-) = Rs.82,992/-	(-) 1/3 (i.e. Rs.56,560/-) = Rs.1,13,120/-
4.	Multiplier	(x) 15 = Rs.12,44,880/-	(x) 15 = Rs.16,96,800/-
5	Towards consortium to all 03 claimants	Rs.1,20,000 /-	Rs. 48,000 x 3 = Rs.1,44,000/-
6.	Towards Loss of Estate.	Rs.15,000/-	Rs.18,000/-
7.	Towards funeral expenses.	Rs.15,000/-	Rs.18,000/-
	Total	**Rs.13,94,880/-**	**Rs.18,76,800/-**

13. In view of the aforesaid analysis, the amount of compensation of Rs.13,94,880/- awarded by the Claims Tribunal is enhanced to Rs.18,76,800/-. Hence, after deducting the amount of Rs.13,94,880/-, the appellants are held entitled for an additional amount of **Rs.4,81,920/-**. The additional amount of compensation shall carry interest @

3(2018) 18 SCC 130

6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization.

14. As prayed by the appellants and in view of decision of Hon'ble Suprme Court in the matter of ***Rama Bai Vs. Amit Minerals through Incharge Officer/Competent Officer and Another***[4] governing the issue of breach of policy condition of driving license & pay and recover of amount of compensation, it is directed that the amount of compensation shall be paid by respondent No.2/Insurance Company in the first instance, with liberty to recover the same from respondent No.1/owner & driver of the offending vehicle, in accordance with law. Rest of the conditions of the impugned award shall remain intact.

15. In the result, the appeal filed by the appellants/claimants is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

16. 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-

4 (2025) SCC OnLine SC 2067

ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

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