CGHC010146002023 2026:CGHC:46290

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 700 of 2023

1 - Harishchandra Das Manikpuri S/o Santram Manikpuri Aged About 42 Years R/o Village - Ameri, Devgaon Post - Raigarh, Tahsil And Thana - Baramkela, District Raigarh, Chhattisgarh. Presently Residing At Village - Ranigaon, Ratanpur District Bilaspur, Chhattisgarh. (Claimant)

2 - Ravi Das Manikpuri S/o Harishchandra Das Manikpuri Aged About 18 Years R/o Village - Ameri, Devgaon Post - Raigarh, Tahsil And Thana - Baramkela, District Raigarh, Chhattisgarh. Presently Residing At Village - Ranigaon, Ratanpur District Bilaspur, Chhattisgarh. (Claimant)

3 - Rahul Manikpuri S/o Harishchandra Das Manikpuri Aged About 15 Years Minor Through Natural Guardian Father Harishchandra Das Manikpuri, R/o Village - Ameri, Devgaon Post - Raigarh, Tahsil And Thana - Baramkela, District Raigarh, Chhattisgarh. Presently Residing At Village - Ranigaon, Ratanpur District Bilaspur, Chhattisgarh. (Claimant)

--- **Appellants**

versus

1 - Bhuneshwar Sahu S/o Narangilal Sahu Aged About 40 Years R/o - Village - Kosamdih, Post - Devgaon, Tahana - Sariya, District Raigarh, Chhattisgarh. (Driver Of The Offending Vehicle Eicher Tractor No. C.G. 13/ L / 5933)

2 - Narangilal Sahu S/o Shiv Prasad Sahu, Aged About 68 Years R/o - House No. 50, Kosamdih, Post - Devgaon, Thana - Sariya, District Raigarh, Chhattisgarh. (Owner Of The Offending Vehicle Eicher Tractor No. C.G. 13/ L. /5933)

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3 - Magma H.D.I. General Insurance Company Limited, Through Branch Manager, Branch Office, Near - Rajendra Nagar Chowk - Bilaspur, Chhattisgarh. (Insurer Of The Offending Vehicle Eicher Tractor No. C.G. 13/ L. /5933)

--- **Respondents**

MAC No. 704 of 2023

1 - Manbodh S/o Bihari Aged About 42 Years R/o Sakinan Ward No. 08, Village Ameri, Devgaon Post Raigarh, Tahsil And Thana Baramkela District Raigarh Chhattisgarh Presently R/o Village Ranigaon, Ratanpur District Bilaspur Chhattisgarh

2 - Anjali Seth D/o Manbodh Aged About 15 Years Minor Through Natural Guardian Father Manbhodh R/o Sakinan Ward No. 08, Village Ameri, Devgaon Post Raigarh, Tahsil And Thana Baramkela District Raigarh Chhattisgarh Presently R/o Village Ranigaon, Ratanpur District Bilaspur Chhattisgarh

3 - Aanand Seth S/o Manbodh Aged About 10 Years Minor Through Natural Guardian Father Manbodh R/o Sakinan Ward No. 08, Village Ameri, Devgaon Post Raigarh, Tahsil And Thana Baramkela District Raigarh Chhattisgarh Presently R/o Village Ranigaon, Ratanpur District Bilaspur Chhattisgarh

4 - Geeta Seth D/o Manbdh Aged About 5 Years Minor Through Natural Guardian Father Manbodh R/o Sakinan Ward No. 08, Village Ameri, Devgaon Post Raigarh, Tahsil And Thana Baramkela District Raigarh Chhattisgarh Presently R/o Village Ranigaon, Ratanpur District Bilaspur Chhattisgarh

---**Appellants**

Versus

1 - Bhuneshwar Sahu S/o Narangilal Sahu Aged About 40 Years R/o Village Kosamdih, Post Devgaon, Thana Sariya, District Raigarh Chhattisgarh (Driver Of The Offending Vehicle Eicher Tractor No. C.G.13/1/5933)

2 - Narangilal S/o Shiv Prasad Sahu Aged About 68 Years R/o House No. 50, Kosamdih, Post Devgaon, Thana Sariya, District Raigarh

Chhattisgarh (Owner Of The Offending Vehicle Eicher Tractor No. C.G.13/1/5933)

3 - Magma H.D.I. General Insurance Comapny Limited Through Branch Manager, Branch Office, Near Rajendra Nagar Chowk, Bilaspur District Bilaspur Chhattisgarh (Insurer Of The Offending Vehicle Eicher Tractor No. C.G. 13/1/5933)

--- **Respondents**

For Appellants	:	Mr. A.L. Singroul, Advocate in both the appeals.
For Respondents No.1 & 2	:	Mr. Manoj Ku. Jaiswal, Advocate in both the appeals.
For Respondent No.3	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(02.11.2026)

1. Since both appeals arise out of the same accident dated 16.11.2021, they are being heard and disposed of by this common order.

2. **MAC No. 700/2023**, has been preferred under Section 173 of the Motor Vehicles Act, 1988 (for short, *"the Act of 1988"*) by the appellants/claimants assailing the award dated 21.03.2023 passed by learned 10th Additional Motor Accident Claims Tribunal, Bilaspur (C.G.), in Claim Case No.1718/2021, whereby the Tribunal has awarded a total compensation of Rs.17,12,400/- on account of the death of Ahilya Bai, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 16.11.2021.

3. **MAC No. 704/2023**, has been preferred under Section 173 of the Motor Vehicles Act, 1988 (for short, *"the Act of 1988"*) by the appellants/claimants assailing the award dated 21.03.2023 passed by learned 10th Additional Motor Accident Claims Tribunal, Bilaspur (C.G.), in Claim Case No.1719/2021, whereby the Tribunal has awarded a total compensation of

Rs.20,64,880/- on account of the death of Lata Seth, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 16.11.2021.

4. The facts of the case are that on 16.11.2021, the deceased Ahilya Bai and Lata Seth, along with their husband and other labourers, had gone to work at Bhuvaneshwar Sahu's father Narangi Lal Sahu's place. After threshing paddy with a thresher machine for about an hour in Bhuvaneshwar Sahu's Bayara (storehouse), they went to work at his Devlas Tikra Khar Kosamdih on the request of Bhuvaneshwar Sahu. The deceased and other labourers were going near the Tikra turn of village Kosamdih, Devlas Tikra, Mangalu Binjwar, while waiting for Bhuvaneshwar Sahu at Khar. Then the thresher machine attached to the Eicher tractor number CG-13-L/5933 got stuck in a pit in the field, due to which the deceased and other labourers started pushing the thresher machine to take it out. When the tractor driver, while driving rashly and carelessly, suddenly turned the tractor, the thresher machine attached to the engine of the tractor overturned, in which the deceased Lata Seth and the deceased Ahilya Manikpuri died due to being crushed under the thresher machine. A report was lodged with the concerned police station.

5. Learned counsel appearing for the appellants in both the appeals submits that the Tribunal has failed to grant the requisite enhancement of 10% towards the conventional heads, namely loss of estate, funeral expenses, and consortium, in terms of the law laid down by the Hon'ble Supreme Court. It is, therefore, submitted that the compensation awarded under the conventional heads deserves suitable enhancement in accordance with the settled principles of law. He further submits that the tribunal has fastened the liability for payment of compensation upon the respondents No. 1 & 2 (driver & owner), therefore, he prays that since the deceased died due to being crushed under the thresher machine and the tractor, which was attached to the thresher machine, was duly insured with the

insurance company/respondent No. 3, the principles of 'pay and recover' may be applied.

6. Per contra, learned counsel appearing for respondents No. 1 & 2 supports the impugned awarded amount and submits that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference by this Court.

7. I have heard learned counsel for the parties at length, considered their rival submissions and carefully perused the entire record.

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8. Upon perusal of the impugned award, it is evident that the Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- towards loss of consortium, aggregating to Rs.1,50,000/- under the conventional heads. Since the accident occurred on 16.11.2021, the claimants are entitled to an enhancement of 10% on the amounts payable under the conventional heads as per ***National Insurance Co. Ltd. v. Pranay Sethi,*** *reported in* ***(2017) 16 SCC 680***. Accordingly, the amounts payable towards loss of estate and funeral expenses stand enhanced to Rs.16,500/- each, while the amount payable towards loss of consortium comes to Rs.44,000/-.

9. It is also not in dispute that there are three claimants. Hence, all the claimants shall be entitled towards loss of consortium of Rs.44,000/- each, totalling Rs.1,32,000/-.

10. Thus, the compensation payable under the conventional heads is recomputed as under:

Loss of Estate	:	Rs.16,500/-
Funeral Expenses	:	Rs.16,500/-
Loss of Consortium (Rs.44,000/- × 3)	:	Rs.1,32,000/-
Total	:	**Rs.1,65,000/-**

11. Since the Tribunal has already awarded Rs.1,50,000/- under the conventional heads, the appellants become entitled to an

additional sum of **Rs.15,000/-** (1,65,000 – 1,50,000) under the said heads.

12. Consequently, the appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.15,000/-** over and above the amount awarded by the Tribunal. The enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of its actual realization.

MAC No. 704/2023

13. Upon perusal of the impugned award, it is evident that the Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- towards loss of consortium, aggregating to Rs.1,90,000/- under the conventional heads. Since the accident occurred on 16.11.2021, the claimants are entitled to an enhancement of 10% on the amounts payable under the conventional heads as per ***National Insurance Co. Ltd. v. Pranay Sethi,*** *reported in* ***(2017) 16 SCC 680***. Accordingly, the amounts payable towards loss of estate and funeral expenses stand enhanced to Rs.16,500/- each, while the amount payable towards loss of consortium comes to Rs.44,000/-.

14. It is also not in dispute that there are four claimants. Hence, all the claimants shall be entitled towards loss of consortium of Rs.44,000/- each, totalling Rs.1,76,000/-.

15. Thus, the compensation payable under the conventional heads is recomputed as under:

Loss of Estate	:	Rs.16,500/-
Funeral Expenses	:	Rs.16,500/-
Loss of Consortium (Rs.44,000/- × 4)	:	Rs.1,76,000/-
Total	:	**Rs.2,09,000/-**

16. Since the Tribunal has already awarded Rs.1,90,000/- under the conventional heads, the appellants become entitled to an additional sum of **Rs.19,000/-** (2,09,000 – 1,90,000) under the

said heads.

17. Consequently, the appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.19,000/-** over and above the amount awarded by the Tribunal. The enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of its actual realization.

18. So far as the prayer to apply the principle of 'pay and recover' is concerned, it is clear from the evidence that the offending vehicle was duly insured with the insurance company. Therefore, considering the principles laid down by the Hon'ble Supreme Court in the case of ***Sunita and Ors. vs. United India Insurance Co. Ltd and Ors***., reported in ***2025 SCC OnLine SC 1464***, it is directed that the insurance company shall **first pay the amount** of compensation awarded to the claimants/appellants in both the appeals and then recover the same from the owner and driver of the offending vehicle.

19. Accordingly, both the appeals stands **partly allowed** and the impugned awards are modified to the aforesaid extent.

20. 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

H.L. Sahu