CGHC010149952023 2026:CGHC:45341

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 742 of 2023

1 - Rajman Gota S/o Late Sukaluram Gota Aged About 41 Years R/o Uparpara, Tumsanar Thana - Aamabeda, and District North Baster - Kanker, Chhattisgarh.

2 - Sagotin Gota W/o Rajman Gota Aged About 39 Years R/o Uparpara, Tumsanar Thana - Aamabeda, And District North Baster - Kanker, Chhattisgarh.

3 - Minor Bisru Gota S/o Rajman Gota Aged About 15 Years Minor through Legal Guardian Father Rajman Gota Appellant No. 1, R/o Uparpara, Tumsanar Thana - Aamabeda, and District North Baster - Kanker, Chhattisgarh **... Appellants**

versus

1 - Jageshwar Sahu S/o Dhannu Ram Sahu Aged About 31 Years R/o Village Kodagaon, Tikarapara, Hall Mukam Villagae - Kodejunga, Thana - Kanker, District Kanker Chhattisgarh, (Driver of the Offending Vehicle Matador No. C.G.04 / J.C./ 9378).

2 - M/s New Bharat Traders Pro. Mohd. Firoj, S/o Yahya Bhai, R/o Main Road Kanker Thana - Kanker, District Kanker Chhattisgarh, (Owner of the Offending Vehicle Matador No. C.G.04 / J.C./ 9378).

3 - The Oriental Insurance Company Limited Branch Office, Near - Adarsh Ball Mandir Main Road Dhamtari District Dhamtari Chhattisgar, (Insurer of the Offending Vehicle Matador No. C.G.04 / J.C./ 9378)

... Respondents

For the appellants	**:**	Mr. Arjun Lal Singraul, Advocate
For Respondent no.3	**:**	Mr. Praveen Tulsyan, Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

27.10.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short

"MV Act") has been filed seeking enhancement of compensation, challenging the impugned award dated 30.07.2022 passed by Ist Additional Motor Accident Claims Tribunal, North Bastar, Kanker in Claim Case No. 47/2021 whereby a total compensation of Rs. 10,28,200/- has been awarded.

2. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Dasruram Gota died in a motor accident took place on 06.11.2020 due to rash and negligent driving of respondent no.1 who drove the offending Vehicle Metador No. C.G. 04-JC/9378. Appellants 1 & 2 are parents and appellant no. 3 is minor brother of deceased. They being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs. 23,60,000/-.

3. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side and the amounts granted under the other conventional heads are also meagre, thereby, just compensation has not been awarded. He prays that the appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no.3/Insurer submits that just and proper award has been passed by the Tribunal, which needs no interference.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.

6. The claimants pleaded that the deceased was earning monthly income of Rs.10,000/- by doing the job of Cleaner in vehicle. However, the Tribunal took the income of deceased as Rs. 6000/- per month, which seems to be on lower side. In absence of any cogent reliable evidence regarding the nature of job and income of deceased and looking to the prevalent market rates, it would be appropriate to take his monthly income to be Rs.8,860/- treating him as unskilled labour as per the

Chhattisgarh Minimum Wages applicable at the time of accident occurred on 06.11.2020.

7. Since the deceased was unmarried person of 18 years old and and there are 3 claimants, following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted one-half towards personal expenses and applied multiplier 18 which cannot be said to be unsustainable.

8. The amounts granted under the other heads like loss of estate Rs.16,500 and funeral expenses Rs.16,500/- cannot be said to be lesser.

9. As regards consortium, it appears that the claimants-mother & father have been granted filial consortium whereas the minor brother has been left out. Under Motor Accident Claims, the Supreme Court has established that every individual dependent-claimant is entitled to a separate compensation for the loss of consortium or love and affection. There are 3 claimants in this case. Thus each claimant is entitled to Rs.44,000/- separately and the total comes to Rs.1,32000/-- under this specific head.

10. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Total loss of dependency	**9,07,200/-**	**Rs.8,860** X **12** = **1,06,320/-** plus Future Prospectus- **40%** i.e., 42,528/- = **1,48,848/-** minus one-half (½) deduction of personal expenses i.e., 74,424/- =

			74,424 x **18** multiplier = **13,39,632/-**
2.	Loss of estate	**16,500/-**	**16,500/-**
3.	Funeral expenses	**16,500/-**	**16,500/-**
4.	Loss of consortium	44000 x 2 **88,000/-**	44000 x 3 claimants **1,32,000/-**
	Total **Rs.**	**10,28,200/-**	**15,04,632/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs. 10,28,200/- awarded by the Claims Tribunal is enhanced to Rs.15,04,632/- Hence, after deducting the amount of Rs. 10,28,200/- the appellants are held entitled for an additional sum of **Rs. 4,76,432/-.** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

12. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

ALLENA ANNAJEE RAO
Digitally signed by ALLENA ANNAJEE RAO
Date: 2026.10.28 16:31:28 +0530