CGHC010158692026 2026:CGHC:44004

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1105 of 2026

1 - Vijay Kumar Patil S/o. Late Gore Lal Patil Aged About 36 Years R/o. Village Chhote Atar Muda, Raigarh, District- Raigarh (C.G.)

2 - Smt. Samarin Bai Patil W/o. Late Gore Lal Patil Aged About 49 Years R/o. Village- Satnami Para, Ward No. 6, Tundri, Police Station And Tahsil Bilaigarh, District- Balodabzar (Now Sarangarh-Bilaigarh) (C.G.) R/o. Village C/o.- Shri Hemlal Patel, Purani Basti, Pathalgaon, District- Jashpur (C.G.)

3 - Jai Kumar Patil S/o. Late Gore Lal Patil Aged About 36 Years R/o. Village- Satnami Para, Ward No. 6, Tundri, Police Station And Tahsil Bilaigarh, District- Balodabazar (Now Sarangarh-Bilaigarh)

4 - Sangeet Patil S/o. Late Gore Lal Patil Aged About 22 Years R/o. Village- Satnami Para, Ward No. 6, Tundri, Police Station And Tahsil Bilaigarh, District- Balodabazar (Now Sarangarh-Bilaigarh)

5 - Jayanti Patil D/o. Late Gore Lal Patil Aged About 30 Years R/o. Village- Satnami Para, Ward No. 6, Tundri, Police Station And Tahsil Bilaigarh, District- Balodabazar (Now Sarangarh-Bilaigarh)

6 - Madhurima Ratre D/o. Late Gore Lal Patil Aged About 30 Years R/o. Village- Dharam Colony, Near Water Tank, Chandrashekharpur Raigarh, District- Raigarh (C.G.)

... Appellants

versus

1 - Vinayak Patel S/o. Shri Jayant Patel Aged About 20 Years R/o. Village Ichchha Goutiyapara, Police Station- Sarangarh, Tahsil- Dharamjaigarh, District- Raigarh (Now Sarangarh-Bilaigarh) (C.G.) (Driver Of Vehicle Motor Cycle Bearing Registration No. CG/10/AX/1286)

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2 - Jayant Patel S/o. Shri Awadhram Patel Aged About 50 Years R/o. Village- Ichchha Goutiyapara, Police Station- Sarangarh, Tahsil-Dharamjaigarh, District- Raigarh (Now Sarangarh-Bilaigarh) (C.G.) (Registered Owner Of Vehicle Motor Cycle Bearing Registration No. CG/10/AX/1286)

3 - The United Insurance Company Limited Through Branch Manager Office, Ujalpur, V.L.G. Raigarh, District- Raigarh (C.G.) (Insurer Of Vehicle Motor Cycle Bearing Registration No. CG/10/AX/1286)

... Respondents

For Appellants	:	Ms. Pooja Yadav, Advocate
For Respondents No.1 & 2	:	None.
For Respondent No.3	:	Mr. Anupam Dubey, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(12.10.2026)

1. Heard on I.A. No. 01, application for condonation of delay.

2. This appeal has been filed by the claimants/appellants with a delay of 344 days.

3. Learned counsel for respondent No. 3/insurance company raised objection.

4. Upon due consideration and for the reasons mentioned in the application, I.A. No. 01 is allowed. Delay of 344 days in filing the appeal is condoned.

5. Also heard on admission.

6. Admit.

7. Records of the Tribunal have been received.

8. With the consent of the parties, the matter was heard finally.

9. This appeal 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 31.01.2025 passed by learned Motor Accident Claims Tribunal, Pathalgaon, District – Jashpur (C.G.), in Claim Case No.15/2022, whereby the Tribunal has awarded a total compensation of Rs.32,95,000/- on account of the death of Gore Lal Patil, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 25.01.2022.

10. Learned counsel appearing for the appellants 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.

11. Per contra, learned counsel appearing for respondent No.3/Insurance Company supports the impugned award and submits that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference by this Court.

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

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.70,000/- under the conventional heads. Since the accident occurred on 25.01.2022, 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 6 (six) claimants. Hence, all the claimants shall be entitled towards loss of consortium of Rs.44,000/- each, totalling Rs.2,64,000/-.

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/- × 6)	:	Rs.2,64,000/-
Total	:	**Rs.2,97,000/-**

16. Since the Tribunal has already awarded Rs.70,000/- under the conventional heads, the appellants become entitled to an additional sum of **Rs.2,27,000/-** (2,97,000 – 70,000) under the said heads.

17. Consequently, the appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.2,27,000/-** 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 appeal before this Court i.e. 17.04.2026 till the date of its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

18. Accordingly, the appeal stands **partly allowed** and the impugned award is modified to the aforesaid extent.

19. 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