BHOLA NATH KHATAI
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CGHC010161532023 2026:CGHC:45776

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 908 of 2023

1 - Smt. Priyanka Kashyap Wife Of Late Lomas Kashyap Aged About 36 Years, Resident Of Ward No.6, Yadav Nagar, Tifra, Police Station - Sirgitti, Tahsil And District Bilaspur Chhattisgarh

2 - Ku. Soumya Kashyap Son Of Late Lamas Kashyap Aged About 8 Years, Resident Of Ward No.6, Yadav Nagar, Tifra, Police Station - Sirgitti, Tahsil And District Bilaspur Chhattisgarh Minor Represented Through Mother Smt. Preyanka Kashyap.

... Appellant(s)

versus

1 - Baliram Gadhewal Son Of Sahasram Gadhewal, Aged About 47 Years Resident Of Indrapuri, Hirri Mines, Police Station Hirri, Tahsil Bilha, District Bilaspur Chhattisgarh -- Driver Of Vehicle Trailer No. C.G. 12 - S – 0338

2 - Mahesh Kumar Sahu Son Of Uderam Sahu, Aged About 35 Years Resident Of Ward No. 12, Milpara Kesla, Police Station - Bilha, Tahsil Bilha, District Bilaspur Chhattisgarh -- Owner Of Vehicle Trailer No. C.G. - 12-S- 0338

3 - Shriram General Insurance Company Limited, Through The Branch Manager, Branch Office, S - 08 And S -09 Second Floor, Chhattisgarh Plaza, Agrasen Chowk, Beside Telephone Exchange, Bilaspur, Police Station - Civil Line, Tahsil And

District Bilaspur Chhattisgarh -- Insurer Of Vehicle Trailer No. C.G. - 12 -S- 0338 --

... Respondent(s)

For Appellants	**:**	Ms. Diksha Jaiswal, Advocate
For Respondent No.3	**:**	Mr. Pravesh Sahu, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

29/10/2026

1. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter was heard finally.

2. This appeal under Section 173 of the Motor Vehicles Act, 1988, has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the 8th Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (C.G.) vide impugned award dated 16.01.2023, passed in Claim Case No. 38/2021, whereby a total compensation of Rs.16,58,960/- has been awarded on account of the death of Lomas Kashyap in a motor vehicle accident that occurred on 22.10.2020.

3. Learned counsel appearing for the appellants/claimants submits that the monthly income of the deceased has been assessed by the Claims Tribunal on the lower side, resulting in an inadequate determination of compensation. She further submits that the Claims Tribunal has failed to grant the requisite enhancement of 10% in the amounts awarded under the conventional heads, i.e. loss of estate, funeral expenses and loss of consortium, in accordance with the law laid down by the Hon’ble Supreme Court. Accordingly, she

prays for enhancement of the compensation on the aforesaid grounds.

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

5. Heard learned counsel for the parties and perused the record of the Claims Tribunal.

6. As regards income, though it was claimed by the claimants that the deceased was earning Rs.30,000/- per month by driving his own Tata Magic and by letting out two other vehicles on rent, no reliable or cogent evidence was adduced to substantiate the said claim. In the absence of any reliable evidence regarding the actual income of the deceased, the Tribunal assessed his monthly income at Rs.9,220/- on the basis of the prevailing minimum wages applicable on the date of the accident. Accordingly, this Court finds no infirmity or illegality in the assessment of the monthly income of the deceased made by the Tribunal.

7. Upon appreciation of the oral and documentary evidence available on record, the Claims Tribunal added 40% towards future prospects, deducted one-third towards personal and living expenses and applied a multiplier of 15. The accident occurred on 22.10.2020. At the time of the accident, the deceased was aged about 38 years and was a non-salaried person. There are two claimants in the present case.

8. Having considered the date of the accident, the age of the deceased, the number of claimants and the evidence available on record, this Court finds that the assessment

made by the Claims Tribunal with regard to the income of the deceased, addition towards future prospects, deduction towards personal and living expenses, and application of the multiplier is just and proper. No ground is made out for interference with the computation of compensation under the head of loss of dependency.

9. So far as the compensation awarded under the conventional heads is concerned, the Claims Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- each towards loss of consortium to the two claimants, aggregating to Rs.80,000/-. Thus, the total compensation awarded under the conventional heads comes to Rs.1,10,000/-.

10. As per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi*****, (2017) 16 SCC 680,** the amounts payable under the conventional heads require an enhancement of 10% every three years. Accordingly, the amounts payable towards loss of estate and funeral expenses are enhanced from Rs.15,000/- to Rs.16,500/- each. Similarly, the amount payable towards loss of consortium is enhanced from Rs.40,000/- to Rs.44,000/- for each claimant.

11. Consequently, the compensation payable under the conventional heads is recomputed as follows:

Heads	**Amount**
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium (44,000 × 2)	88,000
Total	**Rs.1,21,000/-**

12. As the Claims Tribunal has already awarded Rs.1,10,000/-

under the conventional heads, the appellants/claimants are entitled to an additional sum of Rs.11,000/- (1,21,000 - 1,10,000) under the said heads.

13. Accordingly, the appellants/claimants are entitled to an enhanced compensation of **Rs.11,000/-** over and above the compensation awarded by the Claims Tribunal. The aforesaid enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition until its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

14. In the result, the appeal is **partly allowed**. The impugned award stands modified to the extent indicated hereinabove.

15. 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

Khatai