CGHC010210512026 2026:CGHC:47105

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1273 of 2026

1 - Revat Ram S/o Late Sonau Ram Aged About 52 Years All Are Resident Of Village Borjhara, Police Station Bhakhara, Tahsil Bhakhar District Dhamtari Chhattisgarh.

2 - Sangeeta W/o Revat Ram Sahu Aged About 41 Years All Are Resident Of Village Borjhara, Police Station Bhakhara, Tahsil Bhakhar District Dhamtari Chhattisgarh.

3 - Monika D/o Revat Ram Sahu Aged About 24 Years All Are Resident Of Village Borjhara, Police Station Bhakhara, Tahsil Bhakhar District Dhamtari Chhattisgarh.

… Appellant (s)

versus

1 - Ramnaresh Yadav S/o Ramsajeevan Yadav Aged About 29 Years Resident Of Manikabar Police Statioin Manigama District-Riva (M.P.) -C/o Ashutosh Tiwari Son Of Pramod Tiwari R/o Nayapara Narayanpur Tahsil And District Narayanpur C.G. (Driver Of Offending Trunk No. Cg-13-Ag-7236)

2 – Smt. Rama W/o Late Ratan Dubey Aged About 52 Years R/o Mahaveer Chowk Narayanpur Tahsil And District Narayanpur C.G. (Owner Of Offending Truck No. Cg-13-Ag-7236)

3 - National Insurance Company Limited Through Incharge Officer Jagdalpur Business Office First Floor Shanti Chhabi Tower Sirasar Chowk Power House Road Above Allahabad Bank Bastar Tahsil And District Bastar C.G.

... Respondent(s)

For Appellant (s)	**:**	Shri Anil Kumar Sahu, Advocate
For Respondent No.3	**:**	Shri Shashank Agrawal, Advocate

({Hon'ble Shri Justice Sachin Singh Rajput})

Judgment on Board

16/11/2026

This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'M.V.Act') has been filed challenging the award dated 30.03.2026 passed in Motor Accident claim case No.19/2025 by the Additional Tribunal, Kurud in the Court of Additional Motor Accident Claims Tribunal, Dhamtari (CG) (for short 'Tribunal'). By the impugned award, against a claim of Rs.50,00,000/-, learned Tribunal has awarded compensation of Rs.14,69,708/- in favour of the appellants/claimants.

2. The claim application under Section 166 of the MV Act has been filed on account of death of Dharmendra Kumar Sahu in an accident that occurred on 22.12.2024 by rash and negligent driving of the offending vehicle (Truck) bearing registration No.CG 13/AG/7236 by respondent No.1, owned by respondent No.2 and insured with respondent No.3. As per pleadings of the claim application, the deceased was aged about 21 years and was engaged in labour work, agriculture and used to make idols and was earning Rs.15,000/- per month. Therefore, the aforestated compensation was claimed.

3. The claim application was resisted by the respondents including the insurance company. In the written statement, it has been stated that respondents 1 was a skilled driver and was possessed of valid driving license. The insurance company resisted the claim application by filing written statement, denied the averments of the claim application and took a plea that there is violation of the terms and conditions of the insurance policy.

4. On the basis of above pleadings, learned Claims Tribunal framed issues and decided the same in favour of the appellants / claimants and awarded the abovestated compensation.

5. Learned counsel for the appellant submits that the amount of compensation is meager; assessment of income is wrong, therefore, the compensation may be suitably enhanced.

6. Per contra, learned counsel appearing for respondent No.3 supports the award and submits that assessment of income and award of income is just.

7. Heard learned counsel for the parties, considered their rival submissions and perused the record.

8. Taking into consideration the submissions made, age of the deceased, date of accident, nature of job and minimum wages prevailing, this Court is inclined to assess the monthly income of the deceased to Rs.11,000/- and taking guidance from the judgments of the Hon'ble Supreme Court in the case of **Sarla Verma and ors. v. Delhi Transport Corporation and ors., (2009) 6 SCC 121, National Insurance Co. Ltd. v. Pranay Sethi and ors, (2017) 16 SCC 680** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and ors., (2018) 18 SCC 130,** this Court propose to recompute the compensation in the following manner -

1.	Monthly income	Rs.11000/-
2.	Future prospects 40% (11000+4400)	Rs.15400/-
3.	Yearly income (15400 x12)	Rs.184800/-
4.	1/2 deduction for personal expenses (184800-92400)	Rs.92400/-
5.	Multiplier of 18 (92400 X 18)	Rs.1663200/-
6.	Loss of estate	+Rs.18,000/-
7.	Funeral Expenses	+Rs.18,000/-
8.	Filial consortium	+Rs.1,20,000/-
	Total Compensation	=Rs.18,19,200/-

9. The learned Tribunal has awarded Rs.14,69,708/- which is deducted from the total compensation now awarded and the enhanced compensation comes to **Rs.3,49,492/-**. Looking to the facts and circumstances of the case, interest @ 7% is also awarded on the enhanced amount of compensation from the date of filing of appeal i.e. 21.05.2026 to be deposited by the insurance company within a period of 60 days from the date of receipt of copy of the

order. After the amount of compensation is deposited, Rs.50,000/- each be disbursed to appellant No.1 to appellant No.3. Remaining amount shall be invested in the name of appellant No.2 for three years as fixed deposit in a Nationalised Bank.

10. The appeal, thus, allowed in part.

Sd/-

(Sachin Singh Rajput)

JUDGE

Deepti

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Digitally signed by DEEPTI HARIKUMAR
Date: 2026.11.18 14:01:38 +0530