CGHC010234512023 2026:CGHC:46507

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1273 of 2023

1 - Toplal S/o Baniram Netam Aged About 45 Years Caste- Gond, R/o Village- Bandhupara, Gram Panchayat Loada, Thana and Tahsil- Pathariya, District : Mungeli, Chhattisgarh.

2 - Smt. Panchkunwar W/o Toplal Netam Aged About 40 Years Caste- Gond, R/o Village- Bandhupara, Gram Panchayat Loada, Thana and Tahsil- Pathariya, District : Mungeli, Chhattisgarh **... Appellants**

versus

1 - Rajendra Sahu S/o Anjor Ram Sahu Aged About 45 Years R/o- Village Ward No. - 6, Sodhar, Thana and Tahsil- Mungeli, District- Mungeli, Chhattisgarh (Owner cum Driver of the Offending Vehicle Motor Cycle No. C.G.28-K/3837).

2 - Shri Ram General Insurance Company Limited Address- S 8, S 9, 2nd Floor C.G. Plaza, Agrasen Chowk, Near- Telephone Exchange Bilaspur, Tahsil and District- Bilaspur, Chhattisgarh (Insurer of the Offending Vehicle Motor Cycle No. C.G.28-K./3837). **... Respondents**

For the appellants	**:**	Mr. Vikas Kumar Pandey, Advocate
For respondent no.2	**:**	Ms. Harneet Kaur Khanuja, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

(Order on Board)

03.11.2026

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 13.03.2023 passed by the Learned Additional

Motor Accident Claims Tribunal, Mungeli, District Mungeli Chhattisgarh in Claim Case No. 41/2021 whereby a total compensation of Rs.9,77,200/- has been granted.

2. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Yogiraj Netam died in an accident occurred on 16.06.2021 due to rash and negligent driving of respondent no.1 who drove the offending motorcycle No. C.G.28-K/3837 and hit the deceased's motorcycle. Appellants are parents of the deceased and they being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs. 38,50,000/-.

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 instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no. 2/Insurer submits that the Tribunal has granted adequate compensation and the impugned award 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.20,000/- per month by doing the job of painter as also by agricultural works. 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 Rs.9,200/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable at the time of accident occurred on 16.06.2021.

7. Since the age of deceased was found to be 18 years and there are two claimants, following the case-law laid down by Supreme Court, the Tribunal has rightly added **40%** future prospectus, deducted **one-half (½)** towards personal expenses and applied multiplier **18** which cannot be said to be unsustainable.

8. The Tribunal has awarded a joint lumpsum of 70,000/- under the other conventional heads like loss of consortium; loss of estate and funeral expenses which appears to be meagre in view of the principle of 10% automatic enhancement.

9. As regards consortium, it appears that a lumpsum amount (40,000) has been granted for the two claimants, which cannot be allowed to sustain. Under Motor Accident Claims, the Supreme Court has established that every individual claimant is entitled to a separate compensation for the loss of consortium or love and affection. Thus each claimant is entitled to Rs. 44,000/- separately and the total comes to Rs. 88,000/- for the two claimants 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.9200** X **12** = **1,10,400** plus Future Prospectus- **40%** i.e., **44,160** = **1,54,560** minus one-half (1/2) personal expenses i.e., **77,280** = **77,280** x **18** multiplier =

			13,91,040/-
2,	Loss of estate		**16,500/-**
3.	Funeral expenses		**16,500/-**
4.	Loss of consortium		(44000 x 2 Claimants) **88,000/-**
5.	Lumpsum granted under the other heads at Sl.Nos. 2, 3 & 4.	**70,000/-**	
	Total Rs.	**9,77,200/-**	**15,12,040/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs. 9,77,200/- awarded by the Claims Tribunal is enhanced to Rs 15,12,040/-. Hence, after deducting the amount of Rs. 9,77,200/- the appellants are held entitled for an additional sum of **Rs.5,34,840/-**. 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
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