CHANDRAKANT DEWANGAN

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CGHC010250542025 2026:CGHC:46012

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1373 of 2025

1 - Nandani Maharana W/o Late Pradeep Maharana Aged About 24 Years R/o Veer Savarkar Ward, Jagdalpur, District- Bastar (C.G.) Pin- 494001.

2 - Priyanshi D/o Late Pradeep Maharana, Aged About 06 Months, R/o Veer Savarkar Ward, Jagdalpur, District- Bastar (C.G.) Pin- 494001 (Minor Through Her Natural Guardian Mother Nandani Maharana).

3 - Nandini Maharana W/o Narsingh Maharana Aged About 50 Years R/o Veer Savarkar Ward, Jagdalpur, District- Bastar (C.G.) Pin- 494001.

4 - Narsingh Maharana S/o Late Bhaskar Maharana Aged About 56 Years R/o Veer Savarkar Ward, Jagdalpur, District- Bastar (C.G.) Pin- 494001.

5 - Keshri Maharana W/o Late Dayanidhi Maharana Aged About 73 Years R/o Aadipur, Ganjam Odisha, Pin 761118, Present Address- Veer Savarkar Ward, Jagdalpur, District- Bastar (C.G.)

... Appellant(s)

versus

1 - Orsu Nagaraju S/o Late Chinna Jamlaiha, R/o 12- 154, Tarkarma Nagar, Mailavaram, Police Station- Mailavaram, District Krishna (A.P.) Pin 521230.

2 - Utpalla Durga Shriniwas S/o Shri Jamalaiha, R/o 12-13, Tarkarma Nagar Mailavaram, Police Station- Mailavaram, District Krishna (A.P.) Pin 521230.

3 - Tata AIG General Insurance Company Ltd. Add- 15th Floor, Tower A, Penisula Business Park, Ganpatrao Kadam Marg, Off Senapati Bapat Marg, Lower Parel, Mumbai 400013, Maharashtra (Head Office) Branch Office Address 1st Floor, 106-7 Wallfort Ozone, Bilaspur Road, Near Fafadih Chowk, Raipur 492001

.. Respondent(s)

For Appellants	:	Mr. Vikas Shrivastava, Advocate.
For Respondents No.1 & 2	:	None.
For Respondent No.3/ Insurance Company	:	Mr. K.P.S. Gandhi, Advocate.

Single Bench: Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

30/10/2026

1. Heard on admission.

2. Admit.

3. With the consent of the parties, the matter is heard finally.

4. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 31/01/2025, passed in Claim Case No.321/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.21,37,000/- as compensation for the death of Pradeep Maharana, who died in a road accident which took place on 26/10/2023.

5. The claimants pleaded in the claim petition, inter-alia, that on 24.10.2023, at about 22:00 hours, the deceased was riding his scooty bearing registration No.CG-17 KF-5796 on his side of the road from Ghatlohanga towards Jagdalpur. When he reached near Shubh Lagna Vatika on NH-30, the offending truck bearing registration No. AP-27 TX-1112, coming from the opposite direction, was being driven by Respondent No.1, Orsu Nagaraju, rashly and negligently and at a high speed. The truck collided with the scooty ridden by the deceased, causing him grievous injuries. The deceased succumbed to the injuries during treatment on 26.10.2023. In connection with the accident, Marg

No. 69/2023 was registered at Police Station Kotwali, Jagdalpur. Subsequently, Crime No.414/2023 was registered against Respondent No.1 for the offence punishable under Section 304-A of the Indian Penal Code. Upon completion of the investigation, the police filed a charge-sheet against Respondent No.1.

6. Claim petition was filed by the appellants/claimants, who are the legal heirs (wife, daughter, parents and grandmother) of the deceased, claiming compensation of Rs.45,88,000/-. It was, inter alia, pleaded that the deceased was aged about 28 years at the relevant time, was working as labour in a tent house and was earning Rs.15,000/- per month.

7. Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding lesser compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal wrongly assessed the income of the deceased at Rs. 9,000/- per month, whereas it ought to have been taken at Rs. 15,000/- per month. He further submits that the compensation awarded towards the conventional head is also on the lower side. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

8. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

9. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with

utmost circumspection.

10. The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 9,000/-. However, in the opinion of this Court, the deceased, Pradeep Maharana, was working at Mitesh Yadav Kiraya Bhandar Tent House for the last 10 years. Mitesh Yadav (AW-3) has produced his Gumasta Licence (Ex.A-11) and the document relating to the employment and income of the deceased (Ex.A-10). However, having regard to the date of the accident, i.e., 24.10.2023, and in the absence of any other cogent and reliable evidence regarding the income of the deceased, this Court assesses his monthly income at Rs.11,000/-. Further, the learned Claims Tribunal, considering that the deceased was married and aged about 28 years at the time of the accident and having regard to the number of claimants (05), added 40% towards future prospects to the income of the deceased, deducted one-fourth (1/4) of the income towards the personal and living expenses of the deceased and applied multiplier of 17, which is found to be just and proper. However, under the conventional heads, the learned Tribunal awarded only Rs.2,10,000/- (15000+ 15000 + 40000 x 4), whereas the claimants are entitled to Rs.2,76,000/- (18000+ 18000 + 48000x5). To that extent, the impugned award warrants modification by re-assessing the monthly income of the deceased and by enhancing the compensation under the conventional heads.

11. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi**[1], **Sarla Verma & Ors. Vs. Delhi**

1 (2017) 16 SCC 680

Transport Corporation & Ors[2] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation Awarded by the Tribunal	Compensation Awarded by This Court
1.	Income	Rs. 9,000 × 12 = Rs. 1,08,000/-	Rs. 11,000 × 12 = Rs. 1,32,000/-
2.	Future Prospects (+40%)	(+) Rs. 43,200/- = Rs. 1,51,200/-	(+) Rs. 52,800/- = Rs. 1,84,800/-
3.	Deduction towards Personal Expenses (1/4)	(−) Rs. 37,800/- = Rs. 1,13,400/-	(−) Rs. 46,200/- = Rs. 1,38,600/-
4.	Multiplier (17)	Rs. 1,13,400 × 17 = Rs. 19,27,800/-	Rs.1,38,600× 17 = Rs. 23,56,200/-
5.	Other Conventional Heads	Rs. 2,10,000/- (Rs. 15,000 + Rs. 15,000 + Rs. 40000 x4 +20000)	Rs. 2,76,000/- (Rs. 18,000 + Rs. 18,000 + Rs. 48,000 x 5)
	Total Compensation	**Rs.21,37,800/-**	**Rs.26,32,200/-**

12. In view of the aforesaid analysis, the amount of compensation of **Rs.21,37,800/-** awarded by the Claims Tribunal is enhanced to **Rs.26,32,200/-**. Hence, after deducting the amount of **Rs.21,37,800/-**, the appellants are held entitled for an additional amount of Rs.**4,94,400**/-. The additional amount of compensation shall carry interest @ 6% per annum from the date of the filing of the claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

13. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

14. The Registry is directed to communicate the claimants in writing “the enhanced 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 resides.

-Sd/-
(Sanjay Kumar Jaiswal)
Judge

Chandrakant