CGHC010255842023 2026:CGHC:47181

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1380 of 2023

1 - Smt. Gangotri Bai W/o Late Hirderam, Aged About 40 Years R/o Village Mudhpar, Tahsil/thana Dongargarh, District Rajandgaon Chhattisgarh.

2 - Pawan Thakre, S/o Late Hirderam Aged About 15 Years R/o Village Mudhpar, Tahsil/thana Dongargarh, District Rajandgaon Chhattisgarh. Minor Legal Gourdian Mother Smt. Gangotri Bai

3 - Pramod Kumar, S/o Late Hirderam Aged About 13 Years R/o Village Mudhpar, Tahsil/thana Dongargarh, District Rajandgaon Chhattisgarh. Minor Legal Guardian Mother Smt. Gangotri Bai

4 - Chaganlal Thakre, S/o Late Budhuram Thakre, Aged About 60 Years R/o Village Mudhpar, Tahsil/thana Dongargarh, District Rajandgaon Chhattisgarh. Minor Legal Gourdian Mother Smt. Gangotri Bai

... Appellants

versus

1 - Hirderam Kurmi S/o Mahtaruram Kuarmi, R/o Village Mudhpar Murmanda, Tahsil And Thana Dongargarh, District Rajnandgoan Chhattisgarh.

2 - Ifco Tokiyo General Insurance Company Limted, Through Its Branch Manager, Branch Office Shop No. 205, Ii Nd Floor, M.M. Silver Plaza, Near Mining Office, Mahavir Nagar, Ring Road, No. 1, Raipur Chhattisgarh.

... Respondents

For Appellants	:	Mrs. Bhavika Kotecha, Advocate.
For Respondent No. 1	:	None
For Respondent No.2	:	Mr. Pravesh Sahu, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(16.11.2026)

1. 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 24.02.2023, passed in Motor Accident Claim Case No.18/2021 by the Additional Motor Accident Claims Tribunal, Dongargarh, District Rajnandgaon (C.G.) (for short ‘the Claims Tribunal’), whereby the learned Claims Tribunal has awarded a total sum of Rs.15,67,000/- as compensation for the death of Late Shail Kumar Thakre, who died in a road accident which took place on 09.04.2021.

2. Brief facts of the case are that on 09.04.2021, deceased,

Shail Kumar Thakre, was returning home on foot after taking a bath at Mudpar Nala. At that time, respondent No.1 was driving the tractor bearing registration No. CG-08-AM-2016. When the tractor reached near Shail Kumar, its front portion suddenly overturned due to the field embankment (Medh), and fell upon Shail Kumar. Consequently, Shail Kumar got trapped beneath the said portion of the tractor and sustained grievous injuries, resulting in his instantaneous death at the spot. The offending vehicle was owned by the respondent No.1 and was insured with respondent No.2 - IFCO-Tokiyo General Insurance Company Ltd.

3. A claim petition was filed by the appellants/claimants who happen to be the legal heirs (mother, 02 minor brothers and grant-father) of the deceased claiming a compensation of Rs.80,00,000/- *inter alia* pleading that the deceased at the relevant time was young unmarried boy aged about 20 years, he was doing Mason work and used to earn Rs.15,000/- per month.

4. Pleading of the claimants have, however, been denied by the respondent No.2/insurance company.

5. After evaluating the evidence available on record, the

Tribunal has awarded the compensation of Rs.15,67,000/- along with interest @ 6% per annum in favour of the appellants/claimants taking the monthly income of the deceased at Rs.7,500/- per month and Rs.90,000/- per annum, taking 40% towards future prospect, applying the multiplier of 18, deducting 1/3 towards his personal expenses and exonerating the insurance company having found the breach of policy conditions. Hence, this appeal for enhancement.

6. Learned counsel for the appellants/claimants submits that the impugned award passed by the learned Tribunal is on the lower side and therefore liable to modified suitably. Learned counsel further submits that the deceased at the relevant time was doing Mason work and was earning Rs.15,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.7,500/-, which is not justified. She further submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably. It has been also submitted that the learned Tribunal has held that there was a breach of the policy conditions and has consequently exonerated the

Insurance Company from its liability, and directed it to first satisfy the award amount and then to recover the same from the respondent No.1, which is proper.

7. None appears for respondent No. 1.

8. Learned counsel appearing for respondent No.2/Insurance Company submits that the learned Claims Tribunal, after appreciating oral and documentary evidence, has rightly exonerated the insurance company upon finding the breach of policy condition and passed the impugned award, which does not call for any interference by this Court.

9. I have heard learned counsel for the appellants and respondent No.2, considered their rival submissions made herein-above and went through the records with utmost circumspection.

10. In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Shail Kumar Thakre was earning Rs.15,000/- per month by doing Mason work, but the learned Claims Tribunal assessed the monthly income of the deceased at Rs.7,500/-. As regards the monthly income of the deceased, the claimants did not produce any cogent and reliable evidence which could establish that the deceased at the time of accident was

doing mason work. Considering that the accident took place on 09.04.2021 and the deceased who was unmarried, it would be proper to take his monthly income of Rs.9,200/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.

11. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 09.04.2021, the fact that he was unmarried aged 20 years left behind 04 claimants (widow mother, 02 minor brothers and grand-father), has rightly taken future prospect of 40%, deducted 1/3 towards personal expenses and applied multiplier of 18 respectively.

12. The learned Claims Tribunal, while awarding a sum of Rs.15,000/- towards funeral expenses and Rs.40,000/- towards loss of consortium to all the appellants collectively, has failed to award any amount under the head of loss of estate and has also awarded an inadequate amount towards loss of consortium. Having regard to the date of the accident, i.e., 09.04.2021, and the law laid down by the

Hon'ble Supreme Court governing the aforesaid conventional heads of compensation, the amount awarded by the learned Claims Tribunal is not found to be just and reasonable and needs to be modified suitably.

13. 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 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.7,500 x 12 = Rs.90,000/-	Rs. 9200 x 12 = Rs.1,10,400/-
2.	Future prospect	(+)40% (i.e. Rs. Rs.36,000/-) = Rs.1,26,000/-	(+)40% (i.e. Rs.44,160/-) = Rs.1,54,560/-
3.	Deduction	(-) 1/3 (i.e. 42,000/-) = Rs.84,000/-	(-) 1/3 (i.e. 51,520) = Rs.1,03,040/-
4.	Multiplier	(x) 18 = Rs.15,12,000/-	(x) 18 = Rs.18,54,720/-
5	Towards consortium to all 04 claimants	Rs.40,000/-	Rs. 44,000 x 4 = Rs.1,76,000/-

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

6.	Towards Loss of Estate.	--	Rs.16,500/-
7.	Towards funeral expenses.	Rs.15,000/-	Rs.16,500/-
	Total	**Rs. 15,75,000/-**	**Rs.20,63,720/-**

14. In view of the aforesaid analysis, the amount of compensation of Rs.15,75,000/- awarded by the Claims Tribunal is enhanced to Rs.20,63,720/-. Hence, after deducting the amount of Rs.15,75,000/-, the appellants are held entitled for an additional amount of **Rs.4,88,720/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

15. In the result, the appeal filed by the appellants/claimants is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

16. 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

Digitally signed by VIJAY BHARATRAO PEKDE
Date: 2026.11.17 10:52:16 +0530