CGHC010258822024 2026:CGHC:46993

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1537 of 2024

1 - Smt. Rajni D/o Milap Singh Aged About 20 Years R/o Village Kamran Batati Po Pasarkhat, Thana And Tahsil Kartla, District Korba Chhattisgarh (Claimants).

2 - Sajan Singh S/o Sukhiram Aged About 50 Years R/o Village Kamran Batati Po Pasarkhat, Thana And Tahsil Kartla, District Korba Chhattisgarh (Claimants).

3 - Dupati Bai W/o Sajan Singh Aged About 47 Years R/o Village Kamran Batati Po Pasarkhat, Thana And Tahsil Kartla, District Korba Chhattisgarh (Claimants).

... Appellants

versus

1 - Smt. Ajitra Dadsena W/o Late Yogit Dadsena Aged About 26 Years R/o Village Rupunga, Thana And Tahsil Dharamjaygarh, District Raigarh Chhattisgarh (Driver Of Motorcycle) C.G. 12 Bc 2115).

2 - Kuber Kumar Gabel S/o Shyam Singh R/o Chenpur, Ambedkar Nagar, Thana Kartla, District Korba Chhattisgarh (Owner Of Motorcycle Chhattisgarh 12-Bc-2115.

3 - Tata Aig General Insurance Company Limited Through Branch Manager Tata Aig General Insurance Co. Ltd, Buliding No. 9/1, Beside Khandelwal Motors, M.D.Joining, Treasure Island Mall, M.R.I. Road Indore M.P. (Insurer Of Motorcycle. C.G. 12-Ax 3729).

... Respondent(s)

For Appellants	:	Ms. Priya Kaiwart, Advocate.
For Respondent No.3	:	Mr. Saurabh Gupta, Advocate.
For other Respondents	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(05.11.2026)

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 10.05.2024, passed in Claim Case No. 31/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.20,73,264/- as compensation for the death of Milap Singh, who died in a road accident which took place on 05.11.2021.

2. Learned counsel appearing for the appellant submits that the Tribunal has erred in not awarding compensation towards medical expenses amounting to Rs. 1,71,829/-. It is further submitted that, despite the deceased having remained hospitalised for about six days, the learned Tribunal has not awarded any compensation to the claimants towards transportation expenses, special diet, attendant charges, pain and suffering, and mental agony. She further submits that the compensation awarded under the other conventional heads 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.

3. 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.

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

5. In the case at hand, having regard to the the fact that the deceased remained hospitalised for about six days before succumbing to the injuries, and the medical bills (Exhibits P/10 to P/33) amounting to Rs. 1,71,829/-, this Court finds it

appropriate to award a lump-sum compensation of Rs. 2,00,000/- to the claimants towards medical expenses, special diet and nutrition, attendant charges, transportation expenses, and physical and mental agony suffered by them. Considering the date of the accident, the age of the deceased (23 years) and the number of dependants, this Court finds that the monthly income assessed by the Tribunal, the addition towards future prospects, the multiplier applied, and the deduction towards personal and living expenses are just, proper and in accordance with law. However, under the conventional heads, the Tribunal has awarded only Rs. 1,50,000/-, whereas the claimants are entitled to Rs. 1,65,000/- under the said heads. To the aforesaid extent, the impugned award warrants modification.

6. 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. 9,540 x 12 = 1,14,480/-	Rs. 9,540 x 12 = 1,14,480/-
2.	Future prospect	(+)40% (i.e. Rs. 45,792) = 1,60,272/-	(+)40% (i.e. Rs. 45,792) = 1,60,272/-
3.	Deduction	(-) 1/3 (i.e. 53,424) = 1,06,848/-	(-) 1/3 (i.e. 53,424) = 1,06,848/-
4.	Multiplier	(x) 18 = 19,23,264/-	(x) 18 = 19,23,264/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

5	Other conventional heads	Rs. 1,50,000/- (15,000+15,000+1,20,000)	Rs. 1,65,000/- (16,500+16,500+1,32,000)
6.	Medical expenses, special diet and nutrition, transporation, attendant mental and physical and mental agony by claimants	-	Rs. 2,00,000
	Total	**Rs. 20,73,264/-**	**Rs. 22,88,264/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.20,73,264/- awarded by the Claims Tribunal is enhanced to Rs.22,88,264/-. Hence, after deducting the amount of Rs.20,73,264/-, the appellants are held entitled for an additional amount of Rs.**2,15,000**/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

8. In the result, the appeal is partly **allowed** and the impugned award is modified to the extent indicated hereinabove.

9. 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

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