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CGHC010266972024 2026:CGHC:45530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1616 of 2024

1 - Smt. Latabai Sahu W/o Late Lomesh Sahu Aged About 41 Years R/o Village Sundara Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh

2 - Kumari Suman D/o Late Lomesh Sahu Aged About 24 Years R/o Village Sundara Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh

3 - Ku. Pushpanjali D/o Late Lomesh Sahu Aged About 24 Years R/o Village Sundara Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh

4 - Kishore Kumar Sahu S/o Late Lomesh Sahu Aged About 21 Years R/o Village Sundara Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh

... Appellants

versus

1 - Harbans Singh S/o Late Govind Singh Aged About 62 Years R/o Veersawarkar Nagar Hirapur Mig 1986 Near Hanuman Mandir, P.S. Kabir Nagar, Raipur Tehsil And District Raipur Chhattisgarh, Permanent R/o Sao Naththohal P.S. Rajkot, District Ludhiyana (Punjab)

2 - Kanker Roadways Raipur Through Manager, Rajeev Kumar Naidu, S/o Manik Rao Naidu, Aged About 43 Years R/o Aditya Nagar Durg P.S. Mohan Nagar Tehsil And District Durg Chhattisgarh

3 - The New India Insurance Comapany Limited Through Branch Manager Office Chouhan Complex G.E. Road Bhilai Tehsil And District Durg Chhattisgarh (Insurer Of Vehcle No. Cg 19f 1809)

--- **Respondent(s)**

For Appellants	:	Mr. Amit Nayak, Advocate
For Respondents No.1 & 2	:	None
For Respondent No.3	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(28.10.2026)

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 22.04.2024, passed in Claim Case No.338/2021 by learned 4th Additional Motor Accident Claims Tribunal, Durg (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.14,96,250/- as compensation for the death of Lomesh Ku. Sahu who was aged about 48 years and died in a road accident which took place on 01.01.2021.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. There are four claimants in this case and the Claims Tribunal has awarded lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for the respondent No.3 / Insurance Company would submit that the incident is of the year 2021 and as per **National Insurance Company Ltd. V.**

Pranay Sethi[1]**,** the Claims Tribunal ought to have granted compensation under the conventional heads by increasing it by 10%, whereas the Claims Tribunal has assessed it by increasing it by 20% which is not sustainable in the eyes of law and is liable to be reduced.

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, it is true that in other conventional heads the Tribunal has granted only Rs.1,80,000 which ought to be 2,09,000/- as there are four claimants in this case, to that extent the impugned award needs to be modified.

6. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **Pranay Sethi** (Supra)**, 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. 1,08,000/- per annum	Rs. 1,08,000/- per annum
2.	Deduction	(-) 1/4 (i.e. 27000)= 81,000/-	(-) 1/4 (i.e. 27000)= 81,000/-
3.	Multiplier	(x) 13 = 10,53,000/-	(x) 13 = 10,53,000/-
4.	Future	(+)25% (i.e. Rs.	(+)25% (i.e. Rs.

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

	prospect	2,63,250) = 13,16,250/-	2,63,250) = 13,16,250/-
5	Other conventional heads	Rs. 1,80,000/- (18000+18000+144000)	Rs. 2,09,000/- (16500+16500+176000)
	Total	**Rs. 14,96,250/-**	**Rs. 15,25,250/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.14,96,250/- awarded by the Claims Tribunal is enhanced to Rs.15,25,250/-. Hence, after deducting the amount of Rs.14,96,250/-, the appellants are held entitled for an additional amount of Rs.29,000/-. 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 as indicated herein-above.

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

-Shubham