CGHC010266982023 2026:CGHC:43241

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1440 of 2023

1 - Sunita Bai W/o Kaleshwar Yadav, Aged About 38 Years R/o Village- Hirri, Police Station Hirri, District Bilaspur (Chhattisgarh)

2 - Kaleshwar Yadaw S/o Nandram Yadaw, Aged About 40 Years R/o Village- Hirri, Police Station Hirri, District Bilaspur (Chhattisgarh)

3 - Ganga D/o Kaleshwar Yadaw, Aged About 16 Years Minor Through The Mother (Natural Guardian) Sunita Bai W/o Kaleshwar Yadaw, R/o Village- Hirri, Police Station Hirri, District Bilaspur (Chhattisgarh)

4 - Sharsati D/o Kaleshwar Yadaw, Aged About 11 Years Minor Through The Mother (Natural Guardian) Sunita Bai W/o Kaleshwar Yadaw, R/o Village- Hirri, Police Station Hirri, District Bilaspur (Chhattisgarh)

5 - Shalani D/o Kaleshwar Yadaw, Aged About 5 Years Minor Through The Mother (Natural Guardian) Sunita Bai W/o Kaleshwar Yadaw, R/o Village- Hirri, Police Station Hirri, District Bilaspur (Chhattisgarh)

... Appellants/Claimants

versus

1 - Paladas Manikpuri S/o Late Bhageladas Manikpuri, Aged About 33 Years R/o Village Karra, Police Station Ratanpur, District Bilaspur (Chhattisgarh).....(**Driver** Of The Vehicle Trailer No. C.G.-10/R.-1584)

2 - Dinesh Singh S/o Harinath Singh, R/o Village- M.-01, Yadunandan Nagar, Tifra, Police Chowki- Tifra, District Bilaspur (Chhattisgarh).....(**Owner** Of The Vehicle Trailer No. C.G.-10/R-1584)

3 - United India Insurance Company Limited, Through Branch Manager, Branch Office- Gurukripa Tower, Main Road, Vyapar Vihar, Bilaspur, District Bilaspur (Chhattisgarh).....(**Insurer** Of The Vehicle Trailer No. C.G.-10/R-1584)

... Respondents

For Appellants	:	Mr. Anand Kesharwani, Advocate.
For Respondent Nos.1& 2	:	None
For Respondent No.3	:	Mrs. Swati Agrawal, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(06.10.2026)

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 02.05.2023, passed in Claim Case No.402/2020, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,89,632/- as compensation for the death of Late Kishan Yadav, who died in a road accident which took place on 21.05.2020.

2. Learned counsel for the appellants submits that the learned Claims Tribunal has committed error of law in determining the compensation to the claimants. He further submits that although the deceased was unmarried, apart from his mother and father, three minor siblings (one brother and two sisters), were also dependent upon the deceased. Therefore, considering the number of dependents, deduction of 1/2 of the income of the deceased towards his personal and living expenses is not

justified. It is submitted that the deduction ought to have been made at the rate of 1/4th instead of 1/2. Accordingly, the compensation awarded by the Tribunal deserves to be suitably enhanced. He also submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably in view of the judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi & Ors.***, reported in ***(2017) 16 SCC 680***.

3. None appeared for respondent Nos. 1 & 2.

4. Learned counsel for respondent No.3 supporting the impugned award submits that the deceased was unmarried and both his mother and father are claimants in the present case. It is further submitted that the three minor siblings of the deceased were dependent upon their father, who is himself aged about 40 years, and not upon the deceased. Therefore, the minor siblings cannot be treated as dependents upon the income of the deceased for the purpose of determining the deduction towards personal and living expenses. In these circumstances, the deduction of 1/2 of the income of the deceased towards his personal and living expenses, as made by the learned Tribunal, is just and proper & the learned Claims Tribunal has not committed any error of law in determining the compensation to the claimants.

5. I have heard learned counsel appearing for the parties & perused the record of the Tribunal, including award impugned.

6. On consideration of the material available on record, it is evident that the mother and father of the deceased, who are claimants, stated to aged about 38 and 40 years, respectively, while the other claimants are the minor brother and sisters of the deceased. In the facts and circumstances of the case, it cannot reasonably be held that the minor siblings were financially dependent upon

the deceased. Therefore, they cannot be treated as dependents for the purpose of determining the deduction towards personal and living expenses of the deceased. In such circumstances, deduction of 1/3rd or 1/4th towards personal and living expenses would not be justified. The deduction of 1/2 towards personal and living expenses of the deceased, as made by the learned Tribunal, is found to be just and proper and does not warrant any interference.

7. In the present case, the appellants/claimants do not dispute the monthly income of the deceased as assessed by the learned Tribunal at Rs.8,860/- in view of Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour and the amount towards consortium (Rs.44,000 x 5 = Rs.2,20,000). However, looking to the facts and circumstances of the case and the fact that the accident took place on 21.05.2020, the amount of Rs.15,000/- - 15,000/- awarded towards loss of estate and funeral expenses, respectively, do not found to be proper and needs suitable enhancement in terms of the principles laid down in ***Pranay Sethi*** *(supra)*.

8. Thus, the compensation payable under the conventional heads is recomputed as under :-

S.No.	**Heads**	**Awarded by the Tribunal**	**Awarded by this Court**
01	Towards Loss of consortium to all the 5 claimants.	Rs. 44,000x5 = Rs.2,20,000/-	Rs. 44,000x5 = Rs.2,20,000/-
02	Towards loss of estate.	Rs.15,000/-	Rs.16,500/-

03	Towards funeral expenses.	Rs.15,000/-	Rs.16,500/-
	Total	**Rs.2,50,000/-**	**Rs.2,53,000/-**

9. Since, the learned Tribunal has already awarded Rs.2,50,000/- under the conventional heads, the appellants become entitled to an additional sum of Rs.3,000/- (Rs.2,53,000/- – Rs.2,50,000/-) under the said head.

10. In the result, the appeal is **partly allowed**. The claimants/appellants shall be entitled to get **Rs.3,000/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount shall carry interest @ 6% from the date of filing of the claim petition before the Tribunal till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

11. The Registry is further directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the Tribunal below. 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 BHIKAJIRAO PEKDE
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