BHOLA NATH KHATAI
Digitally signed by BHOLA NATH KHATAI
Date: 2026.11.05 17:04:00 +0530

CGHC010327102024 2026:CGHC:46841

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1893 of 2024

United India Insurance Company Limited, Head Office-24 White Road Chennai 600014, Through-Manager, T.P. Hub Bilaspur, L.I.C. Building, 1st Floor, Magarpara Road, Bilaspur (C.G.) ----(Insurer)

... Appellant(s)

versus

1 - Smt. Gayatri Yadav W/o Late Vishnu Ram Yadav, Aged About 45 Years R/o Railway Crossing Telibandha, P.S.-Telibandha, District - Raipur (C.G.) -----(Claimant)

2 - Nageshwar Yadav S/o Late Vishnu Ram Yadav, Aged About 24 Years R/o Railway Crossing Telibandha, P.S.-Telibandha, District-Raipur (C.G.) -----(Claimant)

3 - Dhaneshwari Yadav D/o Late Vishnu Ram Yadav, Aged About 26 Years R/o Railway Crossing Telibandha, P.S.-Telibandha, District-Raipur (C.G.) -----(Claimant)

4 - Tikeshwari Yadav D/o Late Vishnu Ram Yadav, Aged About 28 Years R/o Railway Crossing Telibandha, P.S.-Telibandha, District-Raipur (C.G.) -----(Claimant)

5 - Lukeshwari Yadav D/o Late Vishnu Ram Yadav, Aged About 25 Years R/o Railway Crossing Telibandha, P.S.-Telibandha, District-Raipur (C.G.) -----(Claimant)

6 - Suresh Giri S/o Dharamnath Giri, R/o Hawrah Railway Station, Gate No.1, Near Gurunanak Hotel, P.S.-Nichinata, District-Howrah Kolkata (W.B.) ------(Driver)

7 - Niranjan Chamariya S/o M.L. Chamariya, R/o 2/2 Dankuri, HSG, Hoogly, Tahsil Hoogly, Kolkata (W.B.)- 712311. -----(Owner)

... Respondent(s)

For Appellant	:	Mr. Swapnil Thawaney, Advocate,
For Respondents 1 to 5	:	Mr. Kripesh G. Kela, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

04/11/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant–Insurance Company, assailing the award dated 27.06.2024 passed by the 14th Additional Motor Accident Claims Tribunal, Raipur (C.G.), in Claim Case No.209/2021, whereby the Claims Tribunal has awarded a total compensation of ₹20,91,000/- on account of the death of Vishnu Ram Yadav, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 20.10.2020.

2. The claimants/respondents No.1 to 5 have also preferred cross-objection seeking enhancement of the compensation awarded by the Claims Tribunal.

3. Learned counsel appearing for the appellant–Insurance Company submits that the deceased was stated to be running a hotel and earning ₹25,000/- per month. However, in the absence of any cogent evidence establishing his actual income, the Claims Tribunal has

erred in assessing his annual income at ₹2,00,000/-, which is on the higher side. He further submits that, out of the five claimants, four were the married son and daughters of the deceased; therefore, the deduction towards the personal expenses of the deceased ought to have been one-third instead of one-fourth. It is also contended that the compensation awarded under the conventional heads is on the higher side and requires modification in accordance with the settled principles of law. Accordingly, the impugned award deserves to be modified to the aforesaid extent.

4. Per contra, learned counsel appearing for the claimants/respondents No.1 to 5 submits that the claimants had pleaded the income of the deceased at ₹3,00,000/- per annum from his hotel business, whereas the Claims Tribunal has erred in assessing his annual income at ₹2,00,000/- only, which is on the lower side. He further submits that the deceased was aged about 50 years on the date of the accident; however, the Claims Tribunal has erroneously assessed his age as 52 years and, accordingly, applied the multiplier of 11, which also warrants reconsideration.

5. Heard learned counsel for the parties, considered their respective submissions and perused the record of the case with utmost circumspection.

6. So far as the assessment of the income of the deceased is concerned, it is evident from the record that the claimants have produced the licence pertaining to the hotel business as Ex.P-17, along with the receipts evidencing payment of taxes to the Municipal Corporation as Ex.P-18 to Ex.P-23. All these documents stand in the name of *Yadav Hotel*.

Thus, the fact that the deceased was engaged in the hotel business stands established. However, in the absence of any cogent documentary or oral evidence establishing his actual income, the claim of the claimants regarding annual income of ₹3,00,000/- cannot be accepted. Nevertheless, considering the nature of the business carried on by the deceased and the overall evidence available on record, this Court deems it appropriate to assess his monthly income at ₹14,000/-, i.e., ₹1,68,000/- per annum.

7. So far as the deduction towards the personal expenses of the deceased is concerned, admittedly, there are five claimants, comprising the widow and four children of the deceased. Although the four children were major on the date of the accident, there is no material available on record to establish that they were married or were living separately from the deceased. Accordingly, considering the total number of claimants, the deduction of one-fourth towards the personal and living expenses of the deceased, as applied by the Claims Tribunal, is found to be just and proper and does not call for any interference.

8. As regards the age of the deceased as contended by the claimants, it is evident from the record that the Claims Tribunal has determined the age of the deceased as 52 years on the basis of the Aadhaar Card produced by the claimants themselves. No cogent material has been brought on record to discredit the said document or to establish that the deceased was aged 50 years. Therefore, the age of the deceased as assessed by the Claims Tribunal does not warrant interference. Consequently, the multiplier of 11 applied by the Claims Tribunal is also found to be just and proper.

9. So far as the compensation awarded under the conventional heads is concerned, the Claims Tribunal has awarded ₹18,000/- towards loss of estate, ₹18,000/- towards funeral expenses and ₹48,000/- each towards loss of consortium to all the five claimants, totalling ₹2,40,000/-. The accident occurred on 20.10.2020. In view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi*, (2017) 16 SCC 680**, with an enhancement of 10% in the conventional amounts, the claimants would be entitled to ₹16,500/- each towards loss of estate and funeral expenses and ₹44,000/- each towards loss of consortium. Thus, the total amount payable towards loss of consortium to all the five claimants would be ₹2,20,000/- (₹44,000/- × 5).

10. Considering the age of the deceased and the fact that he was a non-salaried person, the addition of 10% towards future prospects, as made by the Tribunal, is just and proper and calls for no interference.

11. Thus, in view of the aforesaid discussion and the principles laid down by the Hon'ble Supreme Court in **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]**, the compensation payable to the claimants is recomputed as under:

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	2,00,000	14,000 x12 =1,68,000
2.	Future prospects	(+)10% (i.e.20,000) = 2,20,000	(+)10% (i.e.16,800) = 1,84,800

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

3.	Deduction	(-) 1/4 (i.e. 55,000) = 165000	(-)1/4 (i.e. 46,200) = 1,38,600
4.	Multiplier	(x) 11 =18,15,000	(x) 11 = 15,24,600
5.	Funeral Expenses	18,000	16,500
6.	Loss of Estate	18,000	16,500
7.	Loss of consortium	2,40,000 (48,000 x 5)	2,20,000 (44,000 x 5)
	Total	**Rs. 20,91,000/-**	**Rs. 17,77,600/-**

12. In view of the aforesaid analysis, the claimants/respondents No.1 to 5 shall now be entitled to a total compensation of **₹17,77,600/-** instead of ₹20,91,000/- as awarded by the Claims Tribunal. Accordingly, the impugned award stands modified to the aforesaid extent. The remaining terms and conditions of the impugned award shall remain unaltered.

13. Consequently, the appeal preferred by the appellant–Insurance Company is **partly allowed**, whereas the cross-objection preferred by the claimants/respondents No.1 to 5 seeking enhancement of compensation is **dismissed**.

14. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai