CGHC010487772025 2026:CGHC:46230

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2522 of 2025

1 - Virendra Kumar Bada S/o Pulikar Bada Aged About 54 Years R/o Police Line Parpa, Quter No. E/g-33, Jagdalpur, P.S. Parpa, Distt. Bastar, Chhattisgarh.

2 - Smt. Kanta Bada W/o Virendra Bada Aged About 47 Years No. EG/33, Jagdalpur, P.S. Parpa, Distt. Bastar, Chhattisgarh.

3 - Amit Kumar Bada S/o Virendra Bada Aged About 25 Years No. EG/33, Jagdalpur, P.S. Parpa, Distt. Bastar, Chhattisgarh. **... Appellants**

versus

1 - Rajesh Kumar Gupta S/o Kalu Aged About 34 Years R/o Loharpara Vishreshwaraiya Ward No. 11 Bairamgarh, Distt. Bijapur, Chhattisgarh. (Driver).

2 - Vishnu Singh Thakur S/o Arjun Singh Thakur R/o Village Kotrapal, Matvada Bhopalpatnam, Distt. Dantewada, Chhattisgarh. (Owner).

3 - Branch Manager Tata Aig General Insurance Company Ltd. Office 107, 107 First Floor Walfort Zone Building Old Bilaspur Road Fafadih Chouk Raipur, Post and Distt. Raipur, Chhattisgarh. (Insurer) **... Respondents**

For the appellants	**:**	Mr. Abhishek Nirala, Advocate
For respondent no.3	**:**	Ms. Harneet Kaur Khanuja, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

(order on Board)

02.11.2026

1. Heard on I.A.No.1 of 2025 filed under section 5 of the Limitation Act. There is delay of 26 days in filing appeal.

On due consideration of the grounds stated in application which

is supported by the affidavit of appellant no.1 and since this appeal has been filed by the claimants, the delay of 26 days is condoned and I.A.No.1 is allowed.

Heard on admission.

With the consent of both the parties the matter is heard finally.

2. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging the impugned award dated 28.06.2025 passed by the Ist Additional Motor Accident Claims Tribunal, Jagdalpur (Bastar) Chhattisgarh in Claim Case No. 152/2023 whereby a total compensation of Rs 15,40,800/- has been granted.

3. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Vikas Kumar Bada, aged about 22 years died in a motor accident occurred on 22.11.2022 at about 4.00 pm due to rash and negligent driving of respondent no.1 who drove the offending Pick Up vehicle No. CG-18-L/4831 and hit the deceased's motorcycle. Appellants 1 & 2 are parents and appellant no.3 is brother of deceased. They being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs.54 lakhs.

4. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side thereby, just compensation has not been awarded. He submits that the deceased has passed out B.Sc. (3rd year) examination and while considering the income of deceased, his educational qualifications and future career prospects ought to have been given due weight rather than relying on baseline structural parameters. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced to that extent.

5. Learned counsel for respondent no. 3/Insurer submits that the Tribunal has granted adequate compensation and the impugned award needs no interference.

6. I have heard learned counsel for the parties, considered their rival submissions and perused the record.

7. The claimants pleaded that the deceased had passed the B.Sc., degree examination and was earning a monthly income to the tune of Rs.31,000/- by coaching and imparting education to the students. The claimants have produced the marksheet of B.Sc. (Third Year) as Ex.P-15-C showing the higher educational qualification of deceased. The mother of deceased Smt. Kanta Bada (claimant/applicant no.2) has been examined as A.W.1 and stated that her son was doing the job of coaching instructor and was earning Rs.30,000/- per month. However, in absence of any cogent reliable evidence, the Tribunal took the notional income of deceased as Rs. 9000/- per month treating him as unskilled labour, which seems to be on lower side.

8. In a decision rendered in ***Navjot Singh v. Harpreet Singh*** **2020 SCC OnLine SC 1562** Hon'ble the Supreme Court observed that the notional income of a student pursuing a professional or higher degree course should not be restricted to minimum wages. The court emphasized that future potential earnings upon graduation must dictate the baseline.

9. In ***Sebati Nath & Ors. v. Shriram General Insurance Company Ltd. [(2025) SCC Online SC 3468]***, the Supreme Court ruled that in motor accident compensation cases where documentary proof of income is absent, Tribunals must apply reasonable guesswork and the preponderance of probability rather than strict rules of evidence.

10. Further in case of ***Meena Pawaia and others Versus Ashraf Ali and others, (2021) 17 SCC 148*** where the deceased was bachelor aged abou 21-22 years styding in 3rd/4th semester of engineering at the time of

accident/death, the Supreme Court held that the deceased had a bright future and accordingly granted the future economic loss at Rs.14,000/- per month.

11. Therefore, applying the above position of law laid down by Supreme Court to the facts of the present case and looking to the age and educational qualification of deceased, it would be appropriate to take monthly income of deceased to Rs.14,000/-.

12. Since the deceased was found to be unmarried person of 22 years of age and there are 3 claimants following the case-law laid down by Supreme Court, the Tribunal has rightly added **40%** future prospectus, deducted one-half (**1/2)** towards personal expenses and applied multiplier **18** which cannot be said to be unsustainable.

13. Under the other conventional heads the Tribunal has adequately granted Rs.18,000/- for loss of estate; Rs.18,000/- for funeral expenses and Rs.1,44,000/- for loss of consortium which are not disputed by the appellants

14. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Total loss of dependency	**13,60,800/-**	**Rs14,000** X **12** = **1,68,000** plus Future Prospectus- **40%** i.e., **2,35,200** = minus one-half (½) deduction of personal expenses i.e., **1,17,600/-** = x **18** multiplier =

			21,16,800/-
2,	Loss of estate	**18,000/-**	**18,000/-**
3.	Funeral expenses	**18,000/-**	**18,000/-**
4.	Loss of consortium	**1,44,000/-**	(48000 x 3 Claimants) **1,44,000/-**
	Total Rs.	**15,40,800/-**	**22,96,800/-**

15. In view of the aforesaid analysis, the amount of compensation of Rs. 15,40,800/- awarded by the Claims Tribunal is enhanced to Rs 22,96,800/- Hence, after deducting the amount of Rs. 15,40,800/- the appellants are held entitled for an additional sum of **Rs.7,56,000/-.** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

16. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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