



2026:CGHC:13583



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 110 of 2024

Shriram General Insurance Company Limited Through- Its Legal Manager,
Present Address- 4th Floor Maruti Heights, Beside Sky Auto Maruti Dealer,
Mahoba Bazar, Raipur, District Raipur, Pin 492010, Chhattisgarh (Insurer Of
Vehicle Tractor No. C.G.28 E 1404)

... Appellant

versus

- 1 - Smt. Bhag Bai Dahariya W/o Late Jethuram Dahariya Aged About 64 Years R/o Ameri, P.S. Sakri, District Bilaspur, Chhattisgarh.
- 2 - Shakti Patle S/o Jeet Lal Patle Aged About 24 Years R/o Ameri, P.S. Sakri, District Bilaspur, Chhattisgarh.
- 3 - Shiv Patle S/o Jeet Lal Patle Aged About 22 Years R/o Ameri, P.S. Sakri, District Bilaspur, Chhattisgarh.
- 4 - Amit Kamle S/o Smith Kamle Aged About 23 Years R/o Adarsh Chowk Mangla, P.S. Civil Line, District- Bilaspur, Chhattisgarh (Driver Of Vehicle Tractor No. C.G. 28 E 1404)
- 5 - Ganesh Ram Tande S/o Jhanglu Tande Aged About 61 Years R/o Adarsh Chowk Mangla, P.S. Civil Line, District- Bilaspur, Chhattisgarh (Owner Of Vehicle Tractor No. C.G. 28 E 1404)

... Respondents

{Cause title, as taken from CIS}

For Appellant	:	Ms. Harneet Kaur Khanuja, Advocate.
For Respondents No. 1 to 3	:	Mr. Anand Kesharwani, Advocate.
For Respondent No. 4 & 5	:	None present, though served.



{Hon'ble Mr. Justice Sachin Singh Rajput}

Order on Board

20/03/2026

1. The appellant / Insurance Company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1973 (for short, "MV Act, 1973") against the award dated 18th January, 2023 passed by Second Upper Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No. 05/2020.
2. As against the compensation of Rs. 40,45,000/- claimed by the grand maternal aunt (Nani) and two younger brothers of deceased Sanat Kumar Patle by filing application under Section 166 of Motor Vehicles Act, 1988 (for short 'MV Act') for his death in the motor accident on 15.09.2019, the Tribunal awarded a total sum of Rs. 19,74,379/- as compensation along with interest @ 9 percent per annum from the date of application till its actual payment.
3. The Tribunal, on a close scrutiny of evidence led, material placed and submissions made by the parties, held : the accident had occurred due to rash and negligent driving of Tractor bearing registration No. CG 28 E 1404, being driven by its driver Amit Kamle/respondent No. 4, owned by respondent No. 5 & insured with the appellant/Insurance Company; Sanat Kumar Patle, aged about 24 years, died on account of injuries sustained by him in the said accident; appellant/insurance company liable for payment of compensation to the claimants as it could not establish violation of policy conditions, and assessed and awarded aforesaid sum in favour of the claimants.
4. Learned counsel for the appellants submits that the deceased was unmarried and he was 24 years of age at the time of accident. She submits that deceased was earning Rs. 15,000/- per month by working as Mobile Mechanic. She further submits that instant appeal has been preferred by the



Insurance Company merely on the ground that Tribunal has erred in deducting 1/3rd only towards personal expenses of deceased in place of 1/2 and thereby awarding higher amount of compensation, which deserves to be reduced suitably.

5. Learned counsel for the respondents No. 1 to 3/claimants while opposing the submission made by counsel for the appellants would submit that respondents/claimants, who are grand maternal aunt and two younger brothers are totally dependent upon the deceased, therefore, while assessing the amount of compensation towards, learned Claims Tribunal has not committed any error in deducting 1/3rd towards personal expenses of the deceased, thus, the appeal filed by the appellants is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the material available on record.

7. Admittedly, the deceased was unmarried / bachelor. Respondent No.1/claimant is maternal grandmother of deceased, is said to be dependent upon the deceased whereas respondents No. 2 & 3/claimants are major siblings and they appear to be more aged than the deceased. Thus, the Tribunal has certainly fallen in error in deducting only 1/3rd towards personal expenses of the deceased, inasmuch as, the Supreme Court in case of **Sarla Verma (Smt.) & others v. Delhi Transport Corporation & another**¹, has held : if the deceased was a bachelor, one half (50%) of the income of deceased has to be deducted towards personal & living expenses of the deceased.

8. For the foregoing discussions, I find it appropriate to re-compute the amount of compensation as under:-

S. N.	Heads	Compensation
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¹ (2009) 6 SCC 121



1.	(A) Income of the deceased Rs. 9050 x 12 = 1,08,600/- (B) Addition towards future prospects @ 40% (1,08,600/- x 40% =43,440) 1,08,600+ 43,440/-= 1,52,040/- (C) Deduction of 1/2 towards personal and living expenses (1,52,040/- x 1/2 =) 1,52,040/- 76,020 = 76,020/- (D) Multiplier of 17 76,020 x 18 = 13,68,360/-	:	Rs. 13,68,360/-
2.	Funeral expenses (as awarded by Claims Tribunal)	:	(+) Rs. 15,000/-
3.	Loss of estate (as awarded by Claims Tribunal)	:	(+) Rs. 15,000/-
4.	Loss of consortium (as awarded by Claims Tribunal)	:	(+) Rs. 1,20,000/-
5	Total compensation		Rs. 15,18,360/-

9. Now the appellants/claimants is awarded total compensation of **Rs. 15,18,360** instead of Rs.19,74,379/- as awarded by the Claims Tribunal.

10. For the forgoing, the appeal is allowed in part. The compensation of Rs. 19,74,379/-/- awarded by the Tribunal is reduced to Rs. 15,18,360/-. Any amount of compensation already paid to the claimants shall be adjustable from the total amount of compensation which has now been calculated and awarded by this Court. Other conditions of impugned award shall remain intact.

11. No order as to costs.

Sd/-

(Sachin Singh Rajput)

Judge

Ami