2026:CGHC:17773
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 90 of 2019

Future Generali India Insurance Company Limited Through Its Legal Manager, Shop No. 3, II Floor, Maruti Business Park, G.E. Road, Raipur, Tahsil & District Raipur Chhattisgarh

--- **Appellant**

versus

1 - Smt. Vimla Bai Sahu W/o Late Ramcharan Sahu Aged About 40 Years
2 - Gayatri Sahu D/o Late Ramcharan Sahu Aged About 22 Years
3 - Geeta Bai D/o Late Ramcharan Sahu Aged About 21 Years
4 - Naresh Kumar S/o Late Ramcharan Sahu Aged About 18 Years
5 - Omprakash S/o Late Ramcharan Sahu Aged About 16 Years
Respondent No.5 being Minor Represented Through Mother Respondent No. 1 Smt. Vimla Bai
6 - Padma Bai W/o Late Kalaram Sahu Aged About 62 Years
All R/o Village Semariya P.S. Sarsinwa, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh
7 - Randheer Kumar Singh S/o Indradev Singh Aged About 33 Years R/o Pindrakala, Post Kuba, P.S. Hatarganj, District Chatra (Jharkhand) (Driver)
8 - Inter Domoniya Transport Company, Through Sanjay Jhunjhunwala, Aged 50 Years, S/o Late Shri Satyanarayan Jhunjhunwala, R/o 49/C17, D.P. Nagar Bhilai, Durg, Presently R/o Shankar Nagar, Raipur, District Raipur Chhattisgarh. (Owner)

--- **Respondents**

For Appellant : Mr. Saurabh Gupta, Advocate appears on behalf of Mr. Sourabh Sharma, Advocate

For Respondent No.1 to 6 : Mr. S.P. Sahu, Advocate

WITH

MAC No. 838 of 2019

1 - Smt. Vimla Bai Sahu Wife of Late Shri Ramcharan Sahu Aged About 40 Years
2 - Gayatri Sahu D/o Late Ramcharan Sahu Aged About 22 Years
3 - Geeta Bai D/o Late Ramcharan Sahu Aged About 21 Years
4 - Naresh Kumar S/o Late Ramcharan Sahu Aged About 18 Years
5 - Minor Omprakash S/o Late Ramcharan Sahu Aged About 16 Years
6 - Padama Bai W/o Late Kalaram Sahu Aged About 62 Years
Minor Appellant No.5 through legal natural guardian mother appellant No.1 Smt. Vimla Bai.
All are Resident of Semariya P.S. Sarsiwa Tahsil Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh

---Appellants

Versus

1 - Randhir Kumar Singh Son of Indradev Singh Aged About 33 Years Resident of Pindrakala, Post Kuba, Police Station Hatarganj District Chatra (Jharkhand) At Present, Resident of House of Jay Narayan Singh Thakur, Ambedkar Chowk Baloda Bazar District Baloda Bazar Bhatapara (Driver of offending Vehicle Truck Bearing Registration No.C.G07 C.A. 3585)

2 - Inter Domoniya Transport Company Through Sanjay Jhunjhunwala Aged About 50 Years S/o Late Shri Satyanarayan Jhunjhunwala R/o 49/C 17, D.P. Nagar Bhilai Durg At Present Resident of Shankar Nagar Rajpur District Raipur Chhattisgarh
3 - Future General India Insurance Company Limited Branch Office Second Floor Maruti Business Park Near Dhuppad Petrol Pump Raipur District Raipur Chhattisgarh (Insurer of offending vehicle truck bearing registration no. C.G.07C.A. 3585)

---Respondents

For Appellants	: Mr. S.P. Sahu, Advocate
For Respondent No.3	: Mr. Saurabh Gupta, Advocate appears on behalf of Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

20/04/2026

1. The present appeals arise out of the award dated 05.05.2018 passed by the Motor Accident Claims Tribunal, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) in Claim Case No.59/2017.

2. MAC No.90 of 2019 has been preferred by the Insurance Company seeking exoneration from its liability to pay the compensation amount; whereas MAC No.838 of 2019 has been preferred by the claimants seeking enhancement of the amount of compensation awarded by the learned Claims Tribunal.

3. Since common question of law and fact is involved in both the appeals, they are heard together and are being disposed of by this common order.

4. Heard learned counsel for the parties and perused the

record with due care.

5. The accident in question occurred on 02.02.2017, wherein the deceased Ramcharan Sahu sustained injuries after being hit by the offending vehicle bearing registration No. C.G. 07 C.A. 3585 and subsequently died during treatment. The learned Claims Tribunal, upon appreciation of the evidence available on record, has recorded a finding that the accident occurred due to rash and negligent driving of the offending vehicle. On due consideration of the material available on record, the said finding does not call for interference.

6. So far as the appeal filed by the Insurance Company is concerned, the plea raised is with regard to breach of policy conditions on account of absence of a valid driving licence. From the record, it is evident that except raising such plea, no cogent evidence has been brought on record to substantiate the same. There is no material to indicate that the owner had knowledge of any such alleged defect or that there was any conscious violation of the policy condition. In absence of such evidence, the finding recorded by the learned Claims Tribunal fastening liability upon the Insurance Company is just and proper. Accordingly, the

appeal filed by the Insurance Company being devoid of merit is liable to be dismissed.

7. So far as the claimants' appeal seeking enhancement is concerned, the learned Claims Tribunal assessed the income of the deceased at ₹4,500/- per month in absence of documentary proof. However, considering the nature of work of the deceased and the prevailing minimum wages at the relevant time, it would be appropriate to assess the income at ₹6,206/- per month.

8. The deceased being about 45 years of age at the time of accident, therefore, the monthly notional income would be Rs.6206/- as per the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. Vs. Pranay Sethi[1]; Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors[2]; and Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors.[3]**, this Court is computing the compensation as below:

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

Sr. No.	Particular	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Monthly Income of the deceased	Rs. 4500/-	Rs. 6206/-
2.	Annual Income	4500x 12 =54000/-	Rs.6206x12 = Rs.74,472/-
3.	Future Prospects @ 25%	25% of 54000/- = 13,500/-	25% of 74,472= Rs.18,618/-
4.	Total Annual Income	54000+13,500= 67,500/-	74,472+18,618 = 93090/-
5.	Deduction towards personal expenses @ 1/4th	¼ of 67,500/- = 16,875/-	¼ of 93,090= 23,272.50
6.	Annual Contribution to family	67,500-16,875=50,625/-	93,090-23,272.50= 69,817.50/-
7.	Multiplier of 14	50,625x14=7,08,750/-	69,817.50 x 14= 9,77,445/-
8.	Loss of Estate	Rs. 15000/-	15,000/-
9.	Funeral Expenses	Rs. 15,000/-	15,000/-
10.	Loss of Consortium	15000x3 =45,000/-	Rs.40,000/- x 6 = 2,40,000/-
8.	**Total compensation**	**Rs. 7,83,750/-**	**Rs.12,47,445/-**

9. Thus, the compensation awarded by the learned Claims Tribunal is enhanced from ₹9,28,792/- to ₹12,47,445/-. In view of the aforesaid analysis, after deducting the amount

already awarded, the claimants are entitled to an additional amount of ₹3,18,653/-. The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim petition till its realization. The Insurance Company is directed to deposit the enhanced amount within a period of 12 weeks from the date of receipt of a copy of this order. Rest of the conditions of the impugned award shall remain intact.

10. Accordingly, the appeal filed by the Insurance Company bearing MAC No.90 of 2019 is dismissed and the appeal filed by the claimants bearing MAC No.838 of 2019 is partly allowed. The impugned award stands modified to the extent indicated herein-above.

SD/-

(Sanjay K. Agrawal)
Judge

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