



2026:CGHC:13280



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 54 of 2024**

1. Smt. Lilawati Wd/o Late Shri Narayan Prasad Aged About 37 Years R/o Village- Dumariya Jampara, Police Station- Patna, Tahsil- Baikunthpur, District- Koriya, Chhattisgarh
2. Akalesh Kumar S/o Late Shri Narayan Prasad Aged About 20 Years R/o Village- Dumariya Jampara, Police Station- Patna, Tahsil- Baikunthpur, District- Koriya, Chhattisgarh
3. Mithalesh S/o Late Shri Narayan Prasad Aged About 18 Years R/o Village- Dumariya Jampara, Police Station- Patna, Tahsil- Baikunthpur, District- Koriya, Chhattisgarh
4. Smt. Mankunwar W/o Shri Vishwanath Aged About 71 Years R/o Village- Dumariya Jampara, Police Station- Patna, Tahsil- Baikunthpur, District- Koriya, Chhattisgarh
5. Vishwanath S/o Late Shri Budharam Aged About 74 Years R/o Village- Dumariya Jampara, Police Station- Patna, Tahsil- Baikunthpur, District- Koriya, Chhattisgarh

...Appellants**versus**

1. Ravishankar Mishra @ Ravi S/o Shri Ramakant Mishra Aged About 38 Years R/o Village-Podi, Police Station- Majhouli, District- Sidhi, Madhya Pradesh (Driver Of Truck No. M.P.- 65/ H- 1198)
2. Rajesh Kumar Dubey S/o Late Shri Lalmani Dubey Aged About 39 Years R/o Ward No. 7 Pandari Pani Bijuri, Police Station- Bijuri, District- Anuppur, Madhya Pradesh (Owner Of Truck No. M.P.- 65/ H- 1198)



3. The Divisional Manager, The New India Insurance Company Limited Beside Mahindra Finance, Budhar Road Shahdol, District- Shahdol, Madhya Pradesh, Through The Divisional Manager, The New India Insurance Company Limited, Sada Complex, Transport Nagar Korba, District- Korba, Chhattisgarh (Insurer Of Truck No. M.P.- 65/ H- 1198)

... Respondents

For appellants	:	Ms. Ananya Chaterjee, Advocate
For Respondent No.3	:	Shri Sourabh Gupta and Sourabh Sharma, Advocates

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

19.03.2026

This appeal arises out of the award dated 29.09.2023 passed by Motor Accident Claims Tribunal (for short the "Tribunal") Baikunthpur, District Koriya in Claim Case No. 114/2022 awarding a compensation of Rs. 15,34,100/- in favour of the appellants/claimants.

2. Facts of the case in brief are that on 08.06.2022 at about 9 PM when deceased Narayan Prasad was going to Patna on his motorcycle bearing registration No. CG-15-DW-0262 accompanied by one Raju Rajwade, near Ananya Petrol Pump at NH No. 43 the offending vehicle – truck bearing registration No. MP-65-H 1198 driven by respondent No.1 rashly and negligently came and hit the motorcycle. In the said accident deceased suffered injuries on his head, hand, leg and other parts of the body. He was taken to CHC Patna but looking to his condition he was shifted to District Hospital, Baikunthpur where he breathed his last during the course of treatment. Deceased was the pillion rider whereas Raju Rajwade was riding



the said motorcycle at a moderate speed by keeping to his side. Criminal case for the offence under Sections 279, 337 and 304-A IPC was registered against the driver of the offending vehicle and after investigation charge sheet was also filed.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 30,85,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs. 15,34,100/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Counsel for the appellants submits that the assessment of the income of the deceased is on the lower side and needs enhancement. He submits that though the deceased being a mason was earning Rs. 15,000/- per month, the Tribunal has taken it at Rs. 6,900/- and thus committed an illegality in so doing. Same, according to him, is the position with the amount awarded on other heads also, and being so the compensation awarded is required to be enhanced.

6. On the other hand, counsel for the respondent No.3 has supported the award impugned and submitted that the accident occurred on account of the negligence of the rider of the motorcycle himself and therefore the claimants are not entitled for any enhancement in the awarded sum.

7. Heard counsel for the parties and perused the documents on record.

8. From the pleadings of the respective parties and the overall evidence on record it is clear that the accident occurred with the offending vehicle which was insured with respondent No.3 and was being driven by respondent No. 1. From the pleadings it is apparent that the deceased at the relevant



time was aged about 40 years and was working as a mason. Learned Tribunal took the monthly income of the deceased at Rs. 6,900/- which in the considered opinion of this Court appears to be inappropriate. Since the deceased was a mason by profession, monthly income of the deceased is taken at Rs. 10,000/- and annual at Rs. 1,20,000/-.

9. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680**, **Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income	1,20,000
2	Income with Future Prospects (Rs.1,20,000 x 40% Future Prospects = Rs.48,000; 1,20,000 + 48,000 = 1,68,000)	1,68,000
3	Income after Deduction towards Personal Expenses of the Deceased (Rs.1,68,000 / 4 = Rs.42,000; 1,68,000 – 42,000 = Rs.1,26,000)	1,26,000
4	Loss of Dependency after Application of Multiplier (Rs.1,26,000 x 15 = Rs.18,90,000)	18,90,000
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Consortium to Wife	44,000
8	Filial and Parental Consortium (Rs.40,000 x 4 = Rs.1,60,000)	1,60,000
Total Compensation =		21,27,000
(-) Compensation Awarded by the Claims Tribunal =		15,34,100



Enhancement in Compensation =	5,92,900
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10. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.5,92,900. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till realisation of the enhanced compensation. Out of the enhanced amount of compensation, a sum of Rs.50,000 each shall be deposited in the names of appellants No.2 to 5 in a nationalised bank for a period of 3 years. Likewise, an amount of Rs.3,00,000 shall be deposited in the name of appellant No.1 in the same bank for the same period. Remaining amount shall be paid in cash to appellant No.1. Respondent No.3/insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of a copy of this order.

11. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
JUDGE

Jyotishi