



2026:CGHC:13071



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 64 of 2023

1 - Smt. Firteen Bai Wd/o Late Shri Santosh Kumar Bhoi Aged About 42 Years R/o Village - Parsada (Shankarpara), Police Station - Mulmula, Tahsil - Akaltara, District : Janjgir-Champa, Chhattisgarh

2 - Manoj Kumar Bhoi Late Shri Santosh Kumar Bhoi Aged About 23 Years R/o Village - Parsada (Shankarpara), Police Station - Mulmula, Tahsil - Akaltara, District : Janjgir-Champa, Chhattisgarh

3 - Smt. Prema Bai Wd/o Late Shri Gendram Bhoi Aged About 65 Years R/o Village - Parsada (Shankarpara), Police Station - Mulmula, Tahsil - Akaltara, District : Janjgir-Champa, Chhattisgarh

... Appellants

versus

1 - Kamlesh Kumar Sahu S/o Nankiram Sahu Aged About 27 Years R/o Village - Kharkhod, Tahsil And Police Station - Pamgarh, District- Janjgir-Champa, Chhattisgarh (Driver Of The Vehicle Bolero Plus No. C.G.-10-A.P./3457)

2 - Mohammad Sohrab Alam S/o Shri Saud Alam R/o - Ward No. - 13, Tulsinagar, Talapara, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh (Owner Of The Vehicle Bolero Plus No. C.G.-10-A.P./3457)

3 - The Oriental Insurance Company Limited Through Divisional Managar, Division Office - In Front Of Rajiv Plaza, Old Bus Stand, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh, (Insurer Of The Vehicle Bolero Plus No. C.G.-10-A.P./3457)

... Respondents



For Appellants	:	Shri Anand Kesharwani, Advocate
For Respondent No.3	:	Shri B.N. Nande, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

18/03/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') has been filed being aggrieved by the award dated 17.10.2022 passed by the 10th Additional Motor Accidents Claims Tribunal, Bilaspur (Chhattisgarh) in Case No.1298/2021.
2. By the award impugned, against a claim of Rs.33,50,000, the learned Claims Tribunal has awarded compensation of Rs.13,65,500 in favour of the appellants/claimants on account of death of Santosh Kumar Bhoi in an accident that occurred on 3.6.2021 by rash and negligent driving of the offending vehicle Bolero bearing registration No.CG 10 AP 3457 driven by respondent No.1, owned by respondent No.2 and insured with respondent No.3.
3. As per the pleadings of the claim application, the deceased was going on a motorcycle along with his friend Ramesh Kumar Patel and they reached Shivrinarayan - Bilaspur Main Road. Respondent No.1 drove the offending vehicle rashly and negligently and dashed to the motorcycle resulting into severe injuries on the person of the deceased and ultimately he succumbed to the injuries. As per further pleadings, he was a



mason and earning Rs.15,000 per month. Thus, the above stated compensation was claimed.

4. The claim application was resisted by the respondents on various counts including breach of insurance policy taking a plea of violation of its terms and conditions.
5. The learned Claims Tribunal framed four issues and decided them and awarded the above stated compensation.
6. Learned counsel for the appellants/claimants submits that the deceased was a skilled labour. He was a mason and earning Rs.15,000 per month, but, the learned Claims Tribunal has ignored this fact and assessed his monthly income to Rs.8,600 only. Apart from this, the compensation awarded by the Claims Tribunal towards other heads is also on lower side.
7. Learned counsel for respondent No.3/insurance company supports the impugned award. He submits that no documentary evidence is brought on record with regard to profession and earning of the deceased. Thus, the finding recorded by the learned Claims Tribunal is just and proper and no interference is warranted.
8. I have heard the rival contentions put forth by learned counsel for the parties and perused the record of the Claims Tribunal with due care.
9. As per the pleadings of the claim application, the deceased was said to be a mason and he was aged about 43 years. The wife, son and mother were said to be dependent upon the income of



the deceased. The learned Claims Tribunal found the monthly income of the deceased on the basis of minimum wages to Rs.8,600. Taking into consideration the evidence available on record and the nature of job of the deceased, his age and number of the dependents, in the opinion of this Court, the monthly income of the deceased can safely be taken to Rs.10,000.

- 10.** Thus, 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 is inclined to recompute the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income (Rs.10,000 x 12 =)	1,20,000
2	Income with Future Prospects (Rs.1,20,000 x 25% Future Prospects = 30,000; 1,20,000 + 30,000 = 1,50,000)	1,50,000
3	Income after Deduction towards Personal Expenses of the Deceased (Rs.1,50,000 / 3 = Rs.50,000; 1,50,000 - 50,000 = 1,00,000)	1,00,000
4	Loss of Dependency after Application of Multiplier (Rs.1,00,000 x 14 = 14,00,000)	14,00,000



5	Loss of Consortium to Wife	44,000
6	Loss of Estate	16,500
7	Funeral Expenses	16,500
8	Filial and Parental Consortium (Rs.40,000 + Rs.40,000 =)	80,000
Total Compensation =		15,57,000
(-) Compensation Awarded by the Claims Tribunal =		13,65,500
Enhancement in Compensation =		1,91,500

- 11.** In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.1,91,500. 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. 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. On the deposit being made by the insurance company, the learned Claims Tribunal shall pass appropriate orders with regard to apportionment, investment and disbursement of the amount among the appellants/claimants. Rest of the impugned award shall remain intact.
- 12.** Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
JUDGE