



2026:CGHC:34770



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 188 of 2026**

1 - Kamla Bai Wd/o Late Dayalal Gangele Aged About 53 Years R/o Village Sankara (Ward No. 1 Ghasidas Chowk) P.S. Arnjuni, District Dhamtari (C.G.) (Claimant)

2 - Vijay Kumar S/o Late Dayalal Gangele Aged About 31 Years R/o Village Sankara (Ward No. 1 Ghasidas Chowk) P.S. Arnjuni, District Dhamtari (C.G.) (Claimant)

3 - Jyoti D/o Late Dayalal Gangele Aged About 24 Years R/o Village Sankara (Ward No. 1 Ghasidas Chowk) P.S. Arnjuni, District Dhamtari (C.G.) (Claimant)

... Appellant(s)**versus**

1 - Romnath S/o Mehtaru Ram Sahu Aged About 44 Years R/o Village Jugdehi, Tahsil And P.S. Bhakhara, District Dhamtari (C.G.) (Driver)

2 - Dhanraj S/o Deepak Yadav Aged About 20 Years R/o Ward No. 14 Bhatheli, Post Bhakhara, P.S. Bhakhara, District Dhamtari (C.G.) (Owner)

3 - Branch Manager Bajaj Allianz General Insurance Company Limited, 2nd Floor, Shivmohan Bhawan, Vidhan Sabha Road Pandri Raipur, District Raipur (C.G.) (Insurer)

... Respondent(s)

For Appellant(s) : Mr. Sanjeev Kumar Sahu, Advocate

For Respondent(s) : Mr. Ashutosh Rathore, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****(07.08.2026)**

1. This appeal arises out of the award dated 28.11.2025 passed by



Motor Accident Claims Tribunal, Dhamtari, District - Dhamtari (C.G.), in Claim Case No.61/2024 awarding a compensation of Rs.8,46,800/- with interest @ 6% per annum, in favour of the appellants.

2. Facts of the case are that the appellants are widow and children of the deceased Dayalal Gangele, respondents are Driver, Owner and insurer of the motorcycle bearing registration no.C.G.05/AN/3677 (herein after referred to as 'offending vehicle') respectively at the relevant time of accident. On the date of incident i.e. 10.12.2023 at around 07:00 when the deceased had gone to Masihi (Bathena) hospital along with her wife to meet his father-in-law. When he was going to get his aadhar card xerox opposite the hospital at that time while crossing the road the offending vehicle was driven by the respondent No.1 in rash and negligent manner dashed to the deceased. Hence the deceased sustained severe injuries on the various part of body and died during the treatment on 13.12.2023. Matter was reported to the concerned Police Station thereon a criminal case has been registered against the Respondent No.1 and filed charge sheet in the concerned court.
3. Learned counsel for the appellants submits that the income of the deceased has been wrongly assessed at Rs.9,000/- per month, contrary to the evidence produced before the tribunal, as the deceased was working as labour and agriculturist and was earning Rs.11,000/- per month. He further submits that amount the under other heads is also on the lower side. As



such, the appeal may be allowed, and the compensation suitably enhanced.

4. On the other hand, learned counsel for the insurance company/respondent No. 3 supported the impugned award with regard to the quantum part.
5. I have heard learned counsel appearing for the parties and perused the record of the Tribunal, including award impugned.
6. Though the appellants/claimants pleaded that the deceased Dayalal Gangle was working as labour and agriculturist and was earning Rs. 11,000/- per month, no documentary evidence has been produced thereof. Therefore, considering the wage structure on the date of the accident, the income of the deceased is assessed to Rs. 10,100/- per month.
7. The accident occurred on 10.12.2023. The deceased was aged about 58 years. There are total 3 claimants. Considering the age of the deceased, the number of dependents and his occupation, this Court finds that the assessment made by the Tribunal regarding the addition towards future prospects, the deduction towards personal expenses and the multiplier adopted is just and proper. However, the compensation awarded by the Tribunal under other conventional heads is liable to be suitably enhanced.
8. Thus, in light of the aforesaid discussion and judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd V. Pranay Sethi, Sarla Verma & Ors. Vs. Delhi Transport Corporation and Ors and Magma General Insurance**



Co. Ltd v. Nanu Ram @ Chuhru Ram & Ors, the compensation is recomputed as under:-

S.No.	Heads	Compensation Awarded by the Tribunal	Compensation Awarded by this Court
01	Income	Rs. 9,000/-	Rs. 10,100/-
02	After adding 10% future prospect	Rs. 9000+900 = 9,900/-	Rs. 10,100+1,010 = 11,110/-
03	1/3rd Deduction towards personal expenses	Rs. 9,900-3,300 = 6,600/-	Rs. 11,110- 3,703 = 7,407/-
04	After applying multiplier of 9	Rs. 6,600x12x9 = 7,12,800/-	Rs. 7,407x12x9 = 7,99,956/-
05	Loss of consortium to claimants	Rs. 98,000/-	48000x3= 1,44,000
06	Loss of estate	Rs. 18,000/-	Rs. 18,000/-
07	Funeral expenses	Rs. 18,000/-	Rs. 18,000/-
	Total	Rs. 8,46,800/-	Rs. 9,79,956/-

9. Thus, the appellants are entitled to total compensation of Rs. **9,79,956/-**. After deducting Rs.**8,46,800/-** as awarded by the tribunal, the enhancement would be **Rs. 1,33,156/-**.
10. In the result, the appeal is **partly allowed**. The claimants/appellants shall be entitled to get **Rs. 1,33,156/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount shall carry interest @ 6% from the date of filing of the claim petition before the Tribunal till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.
11. The Registry is further directed to communicate the claimants



in writing “the enhanced amount” in this appeal as against the award made by the Tribunal below. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Vaishali