



2026:CGHC:39743



CGHC010020202026



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 198 of 2026**

1 - Smt. Sharda W/o Narendra Kumar Netam Aged About 21 Years R/o Village Matiya Ward No. 2, Post Mahud-B, Police Station Ranchirai, Tahsil Gunderdehi, District Balod, C.G. , At Present R/o - House Of Kanhaiya Lal Netam, Village Shyamtarai Ward No. 39, Police Station Arjuni, Tahsil And District- Dhamtari, C.G.

2 - Shivangi D/o Narendra Kumar Aged About 1 Years Minor Through Natural Guardian Mother Smt. Sharda W/o Narendra Kumar Netam (Appellant No. 1), R/o Village Matiya Ward No. 2, Post Mahud-B, Police Station Ranchirai, Tahsil Gunderdehi, District Balod, C.G. , At Present R/o - House Of Kanhaiya Lal Netam, Village Shyamtarai Ward No. 39, Police Station Arjuni, Tahsil And District- Dhamtari, C.G.

3 - Smt. Gajara Bai W/o Sahdev Aged About 56 Years R/o Village Matiya Ward No. 2, Post Mahud-B, Police Station Ranchirai, Tahsil Gunderdehi, District Balod, C.G. , At Present R/o - House Of Kanhaiya Lal Netam, Village Shyamtarai Ward No. 39, Police Station Arjuni, Tahsil And District- Dhamtari, C.G.

... Appellants**versus**

1 - Koushal Yadav S/o Larhuraam Yadav Aged About 26 Years R/o Village Bhanwarmara, Police Station Arjuni, Tahsil And District Dhamtari, C.G. (**Driver** Of Offending Vehicle)



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2 - Tomeshwar Nishad S/o Harishchand Nishad Aged About 24 Years
R/o Village Aroud, Bhanwarmara, Police Station Arjuni, Tahsil And
District Dhamtari, C.G. (**Owner** Of Offending Vehicle)

3 - United India Insurance Company Limited Through- Branch Manager,
Branch Office, Krishna Complex Kachhari Chowk, Jail Road, Raipur,
Tahsil And District Raipur, C.G. (**Insurer** Of Offending)

... Respondent(s)

For Appellants : Mr. Praveen Dhurandhar, Advocate.

For Respondent No.1 & : Mr. B.L. Sahu, Advocate.

2

For Respondent No.3 : None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(10.09.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 10.11.2025, passed in Claim Case No.14/2025, whereby the learned Claims Tribunal has awarded a total sum of Rs.16,96,800/- as compensation for the death of Late Narendra Kumar Netam, who died in a road accident which took place on 03.11.2024.
2. Learned counsel for the appellants submits that the learned Claims Tribunal has awarded inadequate amounts under the other conventional heads. He further submits that the claim petition was filed by 03 claimants, (the wife, one daughter and mother), but the consortium was awarded to only appellant No.1. Accordingly, the amount under the head of consortium deserves to be suitably



enhanced in view of the judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi & Ors.***, reported in ***(2017) 16 SCC 680***.

3. Mr. B.L. Sahu, learned counsel for respondent Nos. 1 & 2 has duly assisted the Court.
4. None for respondent No.3/Insurance Company.
5. I have heard learned counsel appearing for the appellants and respondent No. 1 & 2 & perused the record of the Tribunal, including award impugned.
6. Upon perusal of the impugned award, it is evident that the learned Claims Tribunal, taking into consideration the date of accident (03.11.2024), increasing 20% amount in view of guidelines in ***Pranay Sethi (supra)***, has awarded Rs.18,000/- towards loss of estate, Rs.18,000/- towards funeral expenses, Rs.48,000/- towards spousal consortium to appellant No.1, aggregating to Rs.84,000/- under the conventional heads. While awarding the aforesaid amounts, the Tribunal has not awarded any amount towards parental consortium and filial consortium to appellant No.2 and appellant No.3 respectively. Thus, the award under the head of consortium is liable to be enhanced by granting appropriate compensation to the concerned child and parent, in terms of the principles laid down in ***Pranay Sethi (supra)***. Accordingly, the amount payable towards consortium is enhanced to **Rs.1,44,000/-**, i.e., Rs.48,000/- each to the three claimants.
7. Thus, the compensation payable under the conventional heads is recomputed as under :-

S.No.	Heads	Awarded by the Tribunal	Awarded by this Court
01.	Towards Loss of	Rs.48,000/-	Rs. 48,000x3 =



	consortium to all the 3 claimants		Rs.1,44,000/-
	Total	Rs. 48,000/-	Rs. 1,44,000/-

8. Since, the learned Tribunal has already awarded Rs.48,000/- under the conventional heads, the appellants become entitled to an additional sum of Rs.96,000/- (Rs.1,44,000 – 48,000) under the said head.
9. In the result, the appeal is **partly allowed**. The claimants/appellants shall be entitled to get **Rs. 96,000/-** 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.
10. 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 resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge