



2024:CGHC:7382



2026:CGHC:3263

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 817 of 2016**

1. Manisha Chandravanshi Wd/o Arvind Chandravanshi, Aged About 22 Years,
 2. Nirmala Devi W/o Dwarika Singh Chandravanshi, Aged About 55 Years,
 3. Dwarika Singh Chandravanshi, S/o Judawan, Aged About 58 Years,
- All are R/o Village- Kasmanda, Tahsil Kawardha, District : Kawardha (Kabirdham), ChhattisgarhClaimants,

....Appellants**Versus**

1. Choramandalam M/s General Insurance Company Limited, Through-Branch Manager, Branch Office- Bhagat Singh Chowk, Shankar Nagar Chowk, G.E.Road, Raipur, Chhattisgarh,
2. Santosh Kumar Kurre S/o Krishna Kumar Kurre, Aged About 28 Years R/o Village - Ghothiya, Tahsil and District Kabirdham, Chhattisgarh (Driver of Vehicle No.C.G.09-B-1034),
3. Smt. Jasvinder Singh Kaur Hora, W/o Amarpreet Hora, Aged About 41 Years, R/o Behind Old Nagar Palika Bhawan, Ward No.20, Kawardha, Tahsil And District Kabirdham, Chhattisgarh Owner of Vehicle No. C.G.09-B-1034, District : Kawardha (Kabirdham), Chhattisgarh

... Respondents

For Appellants	: Mr. Sudhir Verma, Advocate
For Respondent No.1	: Mr. Sangeet Kumar Kushwaha, Advocate

Hon'ble Shri Justice Radhakishan Agrawal
Judgment On Board

19/01/2026

1. This appeal has been preferred by the the claimants/appellants for enhancement of compensation against the award dated 17.03.2016 passed by the Motor Accident Claims Tribunal, Kabirdham (Kawardha), Chhattisgarh in Motor Accidents Claim Case No.186/2014, awarding



total compensation of Rs.37,69,680/- and interest from the date of application till its realization while fastening liability on non-applicants jointly and severally.

2. As per averments made in the claim petition, on 01.06.2014 at about 09:30 PM, Arvind Chandravanshi (deceased) along with his sister Varsha was going on his motorcycle from Kawardha to village Kosmanda, and when he reached near a bridge at Birkona, at that time Santosh Kumar Kurre – non-applicant No.1 (respondent No.2 herein) driver of a vehicle Chhota Hathi bearing registration number CG-09-B-1034 (hereinafter referred to as 'offending vehicle') while driving the same in a rash and negligent manner, dashed the motorcycle of Arvind Chandravanshi due to which he and his sister sustained grievous injuries, thereafter, Arvind Chandravanshi was immediately taken to Narayana Hospital, Raipur, who during course of treatment died on 02.06.2014. At the time of accident, the offending vehicle was owned by non-applicant No.2 – Smt. Jashvinder Singh Kaur Hora (respondent No.3 herein) and insured with non-applicant No.3 – Insurance Company. As per the claim petition, at the time of accident, deceased Arvind Chandravanshi was aged about 33 years, he was in Government Service and working as Shiksha Karmi, Class-I (Lecturer Panchayat) and was earning Rs.29,060/- per month.
3. On claim petition being filed by the claimants under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs.91,00,000/-, the learned Tribunal, considering the evidence led by the parties, passed an award as mentioned in paragraph 1 of this judgment. Being aggrieved with the impugned award, the claimants have filed the appeal for enhancement.
4. Learned counsel for the appellants/claimants submits that the learned Tribunal has not awarded any amount towards future prospects, and



further submits that as the deceased was a permanent employee in government service as Shiksha Karmi, Class – I and his salary was Rs.29,060 /- per month, therefore, the learned Tribunal should have awarded 50% amount towards future prospects. He further submits that amount awarded by the Tribunal towards conventional heads is also on lower side, which needs to be enhanced suitably. Reliance has been placed on the decisions of Hon'ble Supreme Court in the matters of *National Insurance Company Limited vs Pranay Sethi and others*, (2017) 16 SCC 680 & *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others* reported in (2018) 18 SCC 130.

5. Learned counsel for respondent No.1/Insurance Company, while admitting that no separate appeal has been filed against the impugned award, submits that the offending vehicle was insured with the insurance company. He further supports the impugned award and submits that the Tribunal considering all the relevant aspects of the matter awarded just and proper compensation, which needs no interference by this Court.
6. Heard learned counsel for the parties and perused the material available on record.
7. It is not disputed that the deceased Arvind Chandravanshi died in a motor vehicular accident on 02.06.2014, and at that time he was aged about 33 years old working as Shiksha Karmi, Class – I (regular/permanent post) and was receiving a monthly salary of Rs.29,060/- which is evident from his salary slip (Ex.A-15) and other materials available on record, and the same is also held by learned Tribunal.

Moreover, the Tribunal has erred in not granting any amount towards future prospects of the deceased, which in the considered opinion of this Court is not just and proper. The Hon'ble Supreme Court in the matter of *Pranay Sethi* (supra) has considered 50% towards loss



of future prospects for the salaried persons who are below 40 years of age. Therefore, looking to the age of the deceased i.e. 33 years, as considered by the Tribunal, the applicable percentage towards his future prospects would be 50%. So far as multiplier of 16 is concerned, there is no dispute on it. This apart, the learned Tribunal has only awarded a sum of Rs.50,000/- towards other conventional heads which needs to be suitably enhanced. Further, taking the guidance from the decisions of the Hon'ble Supreme Court in *Smt. Sarla Verma and others VS. Delhi Transport Corporation and another*, (2009) 6 SCC 121, *Pranay Sethi (supra) & Magma General Insurance Co. Ltd. (supra)*, this Court computes the compensation in the following manner:-

Sl. No.	<u>Heads</u>	<u>Calculation</u> <u>(in rupees)</u>
01.	Income of the deceased @ Rs.29,060/- per month x 12	Rs.3,48,720/- per annum
02.	Multiplier of 16 to be applied as held by the Tribunal	Rs.55,79,520,-
03.	50% of (1) above to be added towards future prospects	Rs.27,89,760/- Rs.55,79,520 + Rs.27,89,760 = Rs.83,69,280/-
04.	1/3 deduction towards personal and living expenses of the deceased as assessed by the Tribunal	Rs.83,69,280 – 27,89,760 = Rs.55,79,520/-
05.	Towards Conventional Heads (loss of consortium, loss of estate and funeral expenses i.e. 40,000x3 = 1,20,000 + 15,000 +15,000)	Rs.1,50,000/-
	Total Compensation	Rs.57,29,520/-

8. Since the Tribunal has already awarded Rs.37,69,680/-, after deducting the same from Rs.57,29,520/-, the appellants/claimants are entitled for



additional compensation of Rs.19,59,840/-, which shall carry interest as awarded by the Tribunal. However, the ratio of disbursement and the terms and conditions made by the Tribunal in the impugned award shall remain intact.

9. In the result, the appeal is allowed in part with the modification in the impugned award to the above extent.

Sd/-

(Radhakishan Agrawal)
JUDGE

Prakash