



2026:CGHC:4049
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 70 of 2020

1 - Smt. Bharati Bai Sahu W/o Late Suraj Sahu Aged About 21 Years R/o Village- Gujera Tahsil- Navagarh, District- Bemetara Chhattisgarh Hall Mukam- Near Water Pump Tarbahar, Thana- Tarbahar Sakari Tahsil And District- Bilaspur Chhattisgarh (Claimants), District : Bilaspur, Chhattisgarh

2 - Ku. Soumya Sahu D/o Late Suraj Sahu Aged About 9 Years Minor Through Legal Guardian Mother Smt. Bharati Bai Sahu, R/o Village- Gujera Tahsil- Navagarh, District- Bemetara Chhattisgarh Hall Mukam- Near Water Pump Tarbahar, Thana- Tarbahar Sakari Tahsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

3 - Netram Sahu S/o Ramavatar Sahu Aged About 41 Years R/o Village- Gujera Tahsil- Navagarh, District- Bemetara Chhattisgarh Hall Mukam- Near Water Pump Tarbahar, Thana- Tarbahar Sakari Tahsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

4 - Smt. Savitri Bai Sahu W/o Netram Sahu Aged About 40 Years R/o Village- Gujera Tahsil- Navagarh, District- Bemetara Chhattisgarh Hall Mukam- Near Water Pump Tarbahar, Thana- Tarbahar Sakari Tahsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

--- **Appellants**

versus

1 - Itwari Lal Kurre S/o Jethu Ram Kurre Aged About 48 Years R/o Village Kota Dabari, Tahsil- Champa District- Jajgir Champa Chhattisgarh (Driver Of The Offending Vehicle No. C.G.10/a.M./5430) (Driver), District : Janjgir-Champa, Chhattisgarh

2 - Shri Ram Construction Company Officer- 76 Shri Ram Construction Colony, In Front Of Jain Inter National Mungeli Road Bilaspur Tahsil And District- Bilaspur Chhattisgarh (Registered Owner Of The Offending Vehicle No. C.G.10/a.M./5430) (Owner), District : Bilaspur, Chhattisgarh

3 - Chola Mandalam M.S. Genral Insurance Company Limited Through Branch Manager, Chola Mandalam M.S. General Insurance Company Limited, Shop No. G.- 1/12 Jon-1 Near Renald Show Room Byapara Vihar Thana- Tarabahar Byapar Vihar Road Bilaspur Tahsil And District- Bilaspur Chhattisgarh Main Office- Simiran Tower 2nd Floor, In Front Of L.I.C. Office, Pandri Raipur Tahsil And District- Raipur Chhattisgarh (Insurer Of The Offending Vehicle No. C.G.10/a.M./5430) (Insurer), District : Raipur, Chhattisgarh

... **Respondents**

And

MAC No. 277 of 2020

1 - Cholamandlam Ms General Insurance Company Ltd Through Branch Manager, Cholamandlam Ms General Insurance Company Ltd, Shop No. G-1/12 Zone-1 Vyapar Vihar Road Bilaspur, Tehsil And District- Bilaspur Chattisgarh, Regional Office, Cholamandlam Ms General Insurance Company, 2nd Floor Simaran Tower, In Front Of Lic Building, Pandri, Raipur, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
---Appellant

versus

1 - Smt. Bharti Bai Sahu W/o Late Suraj Sahu Aged About 21 Years Resident Of Village- Gujera, Tehsil Navagarh, District- Bemetara Chhattisgarh, Presently Resident Of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

2 - Ku. Shoumya Sahu D/o Late Suraj Sahu Aged About 9 Years Minor Through Mother Smt. Bharti Bhai Sahu, Resident Of Village- Gujera, Tehsil Navagarh, District- Bemetara Chhattisgarh, Presently Resident Of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

3 - Netram Sahu S/o Ramavatar Sahu Aged About 41 Years Resident Of Village- Gujera, Tehsil Navagarh, District- Bemetara Chhattisgarh, Presently Resident Of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

4 - Smt. Savitri Bai Sahu W/o Netram Sahu, Resident Of Village- Gujera, Tehsil Navagarh, District- Bemetara Chhattisgarh, Presently Resident Of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

5 - Itwari Lal Kurre S/o Jethuram Kurre Aged About 48 Years Resident Of Village- Kotadabri, Tehsil- Champa, District- Janjgir-Champa Chhattisgarh (Driver), District : Janjgir-Champa, Chhattisgarh

6 - Shriram Construction Company Office C-76 Shriram Construction Colony In-Front Of Jain International School Mungeli Road, Bilaspur, Tehsil And District- Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

Respondents

For Appellants/Claimants	: Ms. Shalini Jangde, Advocate holding the brief of Mr. A.L. Singroul, Adv.
For respondent/Insurance Company	: Mr. Ghanshyam Patel, Advocate

For respondent/owner of the
offending vehicle

: Mr. Saurabh Agrawal, Advocate holding
the brief of Mr. Ratnesh Kumar Agrawal, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

23.01.2026

- 1) Heard.
- 2) MAC No.70 of 2020 has been preferred by the claimants for enhancement of compensation, whereas, the Insurance Company has challenged the quantum part by filing MAC No.277 of 2020.
- 3) These two appeals have been preferred against the award passed by the learned 7th Additional Motor Accidents Claims Tribunal, Bilaspur (C.G.), in Claim Case No.50 of 2019 dated 02.11.2019 whereby, the learned Tribunal has granted compensation to the tune of Rs.14,90,800/- with interest @ 8% per annum on account of death of Suraj Sahu.
- 4) The facts in brief are that on 16.10.2018 at around 10:00 a.m. the deceased Suraj Sahu along with his friend were returning from Village Suhela on motorcycle and when they reached near Village Khapari, the driver of the offending Hyva bearing reregistration No.C.G.10/A.M./5430 by driving it rashly and negligently, dashed the motorbike of the deceased Suraj Sahu, resultantly, he sustained injuries and succumbed to death whereas, pillion rider namely, Mukesh Sahu sustained grievous injuries.
- 5) The claimants who are widow, a child, father and mother have filed a claim case under Section 166 of the Motor Vehicles Act, wherein, they

pleaded that on the date of accident, age of the deceased was 23 years and earning Rs.10,000/- per month. They claimed a sum of Rs.65,00,000/-.

- 6) The owner and driver of the offending vehicle filed reply and took a plea that the vehicle was insured with the Insurance Company and driver had valid and effective driving licence.
- 7) The Insurance Company filed reply and stated that three persons were travelling on the motorcycle in contravention to the Motor Vehicles Rules. Further, a plea was taken that the driver of the offending vehicle did not have valid and effective driving licence. Learned Tribunal framed issues; parties led evidence and thereafter, an award was passed.
- 8) Ms. Jangde, learned counsel appearing for the appellants/claimants would submit that the learned Tribunal has assessed the income of the deceased Rs.6000/- per month which is at lower side. She would further submit that the minimum wage admissible to an unskilled labourer in the month of October, 2018 was Rs.8,100/- and the learned Tribunal ought to have taken that figure into account. She would contend that the learned Tribunal has not granted proper compensation for loss of consortium. She would pray to enhance the compensation accordingly.
- 9) On the other hand, Mr. Patel, learned counsel appearing for the respondent/Insurance Company would oppose the submissions made by Ms. Jangde. He would submit that the learned Tribunal committed an

error of law while making deduction of 1/4th instead of 1/3rd. He would further submit that the father of the deceased was not a dependent on the income of the deceased, therefore, the learned Tribunal committed an error of law while treating him dependent. He would contend that the learned Tribunal committed an error of law while granting a fixed sum of Rs.1,00,000/- for loss of consortium and thus, he would pray to modify the award passed by the learned Tribunal. In support of his contentions, he placed reliance on the judgment passed in the matter of **Sarla Verma(smt.) and Ors. v. Delhi Transport Corporation and another**, reported in **2009 (6) SCC 121**.

- 10) Mr. Saurabh Agrawal, learned counsel appearing for the respondent/owner of the offending vehicle would support the award passed by the learned Tribunal.
- 11) I have heard the learned counsel appearing for the parties and perused the record with utmost circumspection.
- 12) With regard to deduction, the Hon'ble Supreme Court in the matter of **Sarla Verma (supra)** in para 31 has held that where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. It is further held that the father is likely to have his own income and will not be considered as a dependent and the mother alone will be considered as a dependent. Para 31 is reproduced herein below :

"31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to

bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent/s and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependent and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents, because they will either be independent and earning, or married, or be dependent on the father. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependent, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third."

The Hon'ble Supreme Court has dealt with issue in a case where the deceased was a bachelor. Para 31 of the judgment passed in the matter of **Sarla Verma (supra)** deals with deduction for personal and living expenses of the deceased who was a bachelor.

- 13) In the present case, the deceased is not a bachelor. He is survived by widow, a child and parents.
- 14) The Insurance Company failed to examine any witness to establish this fact. Further, the Insurance Company failed to establish the fact that father of the deceased had his own income and he was not dependent on the income of the deceased.
- 15) As the facts of the present case are entirely different, therefore, the Insurance Company will not get any help from cited judgment.
- 16) Grant of lump-sum amount of Rs.1,00,000/- for loss of consortium by the

learned Tribunal appears to be erroneous. Learned Tribunal should have granted separate compensation for loss of consortium to the claimants and the submission made by Mr. Patel is accepted. With regard to deduction of 1/3rd for personal & living expenses of deceased, the learned Tribunal rightly deducted 1/4th looking to number of dependents i.e. 4.

- 17) Learned Tribunal has considered the income of the deceased Rs.6,000/- per month which is certainly at lower side. The minimum wage admissible to an unskilled labourer according to the minimum wages matrix applicable in the State of Chhattisgarh, was Rs.8,100/- and the learned Tribunal should have taken that figure while computing the compensation. Further, learned Tribunal has not granted separate compensation to the claimants for loss of consortium and thus, the compensation granted by the learned Tribunal requires reconsideration and same is being revisited herein below :

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs.6000 x12 = Rs. 72,000	Rs.8,100 x 12 = Rs.97,200
2.	Future Prospects	40% of 72,000 = 28,800/- 72,000 + 28,800 = 1,00,800/-	40% of 97,200 = 38,880/- 97,200 + 38,880 = 1,36,080
3.	Deduction	1/4 of 1,00,800 = 25,200 100,800 – 25,200 = 75,600	1/4 of 1,36,080 = 34,020 1,36,080 – 34,020 = 1,02,060

4.	Multiplier	(x) 18 = Rs. 13,60,800/-	(x) 18 =Rs. 18,37,080
5.	Other heads loss of Consortium (for appellants No.1 to 4	Rs.1,00,000/-	Rs.48000 x 4 =1,92,000/-
6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
8.	Total	Rs.14,90,800/-	Rs. 20,59,080/-

- 18) Accordingly, the amount of compensation of Rs.14,90,800/- awarded by the Claims Tribunal is enhanced to Rs.20,59,080/-. Hence, after deducting the amount of Rs.14,90,800/-, the appellants are entitled for an additional amount of **Rs.5,68,280/-**. The additional amount of compensation shall carry interest @ 8% per annum from the date of application till its realization. The rest of the terms and conditions of award shall remain intact.
- 19) Accordingly, the appeal preferred by the appellants/claimants is **allowed in part** and the impugned award is modified to the extent as indicated herein-above. The appeal preferred by the Insurance Company is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge