



2026:CGHC:10389



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 240 of 2023**

1. Hemant Dhruv S/o Budhram Dhruv Aged About 40 Years R/o Bharuvadih, Police Station Palari, Tahsil Baloda Bazar Claimants, District : Balodabazar-Bhathapara, Chhattisgarh
2. Smt. Beena W/o Hemant Dhruv Aged About 38 Years R/o Bharuvadih, Police Station Palari, Tahsil Baloda Bazar, District : Balodabazar-Bhathapara, Chhattisgarh

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

1. Jai Kumar S/o Mohar Das Mandley Aged About 25 Years R/o Village Latuva Police Station City Kotwali, Baloda Bazar Tahsil Baloda Bazar Driver Of Offending Vehicle No. C. G. 22-P-1443, District : Balodabazar-Bhathapara, Chhattisgarh
2. Lalit Kumar Tandon S/o Jagjivan Tandon Aged About 35 Years R/o Village Jai Stambh Chowk Latuva, Police Station City Kotwali Baloda Bazar Tahsil Baloda Bazar Owner Of Offending Vehicle No. C. G. 22-P-1443, District : Balodabazar-Bhathapara, Chhattisgarh
3. Manager Bajaj Alians General Insurance Co. Ltd. 2nd Floor, Shiv Mohan Building, Vidhansabha Road Pandri Raipur Insurer Of Offending Vehicle No. C. G. 22-P-1443, District : Raipur, Chhattisgarh

... Respondent(s)

For Appellants	:	Mrs. Dhaneshwari Patel, Adv.
For Respondents No. 1 & 2	:	None, though served
For Respondent No. 3	:	Mr. Raj Awasthi, Adv.

**Hon'ble Shri Justice Rakesh Mohan Pandey****Judgment On Board****27.2.2026**

- 1) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Second Additional Motor Accident Claims Tribunal, Balodabazar in Claim Case No. 106/2019 dated 13.12.2022 whereby learned Tribunal has passed an award to the tune of Rs. 7,50,400/- with interest @ 9% on account of death of Kumari Annapurna alias Pooja and fastened liability on driver and owner of offending vehicle.
- 2) Facts of the present case are that on 4.5.2019, Kumari Annapurna was going to Village Latuwa alongwith her grandmother on tractor bearing registration No. CG-22-P-1443 being driven by respondent No. 1. Due to rash and negligent driving of respondent No. 1, Kumari Annapurna fell down from tractor and came under its rear wheel. In the accident, she sustained grievous injuries and died on the way to hospital. Claimants, who are the parents of deceased moved claim application claiming therein compensation to the tune of Rs. 13,00,000/-. They pleaded that the deceased was aged 18 years and was earning Rs. 7,000/- per month doing tailoring work. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.
- 3) Learned counsel for the appellants submits that learned Tribunal



has assessed the notional income of the deceased to be Rs. 4,500/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. She further submits that learned Tribunal has awarded only Rs. 40,000/- towards loss of consortium overlooking the number of dependents. She prays to modify the award accordingly.

- 4) On the other hand, learned counsel appearing for the Insurance Company would oppose. He submits that claimants have pleaded income of the deceased to be Rs. 7,000/- per month and led evidence in this regard, therefore they cannot claim higher compensation as per minimum wage matrix. He further submits that learned Tribunal has awarded just and proper compensation and this appeal deserves to be dismissed.
- 5) Despite service of notice, there is no representation on behalf of driver and owner of offending vehicle.
- 6) I have heard learned counsel for the parties and perused the record with utmost circumspection.
- 7) With regard to liability, since it is not in dispute that driver of offending vehicle did not possess valid and effective driving license on the date of accident therefore learned Tribunal rightly fastened liability on the driver and owner of offending vehicle.
- 8) Admittedly, in the claim case, claimants have pleaded that deceased was earning Rs. 7,000/- per month and Hemant Dhruw



(AW/1), father of deceased has stated the same. It is true that claimants have pleaded the income of deceased to be Rs. 7,000/- per month but it is duty of the Court to grant just and proper compensation. In this regard, Hon'ble Supreme Court in the matter of **Nagappa v. Gurudayal Singh and Others**¹ held that "*In the Motor Vehicles Act, 1988 there is no restriction that compensation could be awarded only up to the amount claimed by the claimant. In an appropriate case, where from the evidence brought on record if the Tribunal/court considers that the claimant is entitled to get more compensation than claimed, the Tribunal may pass such award. The only embargo is it should be "just" compensation, that is to say, it should be neither arbitrary, fanciful nor unjustifiable from the evidence. This is clear from Sections 166(1) & (4), 158(6) and 168.*"

- 9) Learned Tribunal has assessed the monthly income of the deceased to be Rs. 4,500/- whereas the minimum wage payable to an unskilled laborer in May, 2019 was Rs. 8,920/- per month and learned Tribunal ought to have considered that figure. Furthermore, learned Tribunal has granted a meager sum of Rs. 40,000/- towards loss of consortium overlooking the number of dependents whereas claimants who are the parents of deceased are entitled to receive separate compensation towards loss of consortium as held by Hon'ble Supreme in the matter of **Magma General Insurance Co. Ltd. V. Nanu Ram @ Chuhru Ram &**

¹. 2003 (2) SCC 274



Ors.² . Therefore, in my opinion, claimants are entitled to receive Rs. 40,000/- each along with an additional sum of 20%. However, under other conventional heads learned Tribunal has awarded just and proper compensation and same do not warrant any interference.

10) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation as below:

Sr. No	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Annual Income	Rs. 54,000/- (@Rs. 4,500 pm)	Rs. 1,07,040/- (@Rs. 8,920 pm)
2.	Annual income after Deduction towards personal expenses	Rs. 27,000/- (@1/2)	Rs. 53,520/- (@1/2)
3.	Annual Income after applying Multiplier	Rs. 4,86,000/- (@18)	Rs. 9,63,360/- (@18)
4.	Future Prospect	Rs. 1,94,400/- (@40%)	Rs. 3,85,344/- (@40%)
5.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of Consortium	Rs. 40,000/-	Rs. 96,000/- (Rs. 48,000/- each to two claimants)
	TOTAL	Rs. 7,50,400/-	Rs. 14,74,704/-

11) Accordingly, the amount of compensation of **Rs. 7,50,400/-**

². (2008) 18 SCC 130



awarded by the Claims Tribunal is enhanced to **Rs. 14,74,704/-**.

Hence, the appellants are entitled for an additional amount of **Rs. 7,24,304/-**. Driver and owner of offending vehicle are directed to make payment of additional compensation assessed herein-above in addition to the award passed by learned Tribunal within period of 60 days. Rest of the terms of the award shall remain intact.

12) Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Aj i n k y a