



2026:CGHC:21143

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 251 of 2023**

1. Smt. Kanti Bai Sahu W/o Late Budhram Sahu Aged About 28 Years R/o Village Bhendri, Post Bhendri, Chowki Bade Kareli, Tahsil Magarlod, District : Dhamtari, Chhattisgarh.
2. Ku. Pushpanjli Sahu D/o Budhram Sahu Aged About 8 Years Minors Are Through Their Natural Guardian Mother Smt. Kanti Bai Sahu, W/o Late Budhram Sahu, R/o Village Bhendri, Post Bhendri, Chowki Bade Kareli, Tahsil Magarlod, District : Dhamtari, Chhattisgarh.
3. Ku. Sadhna D/o Late Budhram Sahu Aged About 5 Years Minors Are Through Their Natural Guardian Mother Smt. Kanti Bai Sahu, W/o Late Budhram Sahu, R/o Village Bhendri, Post Bhendri, Chowki Bade Kareli, Tahsil Magarlod, District : Dhamtari, Chhattisgarh.
4. Kamesh Kumar Sahu W/o Late Budhram Sahu Aged About 6 Years Minors Are Through Their Natural Guardian Mother Smt. Kanti Bai Sahu, W/o Late Budhram Sahu, R/o Village Bhendri, Post Bhendri, Chowki Bade Kareli, Tahsil Magarlod, District : Dhamtari, Chhattisgarh.
5. Smt. Mongra Bai Sahu W/o Late Umendi Ram Sahu Aged About 52 Years R/o Village Bhendri, Post Bhendri, Chowki Bade Kareli, Tahsil Magarlod, District : Dhamtari, Chhattisgarh.

... Appellants/Claimants**versus**

1. Omprakash Sahu S/o Gendlal Sahu Aged About 40 Years R/o Village Goji, Post Sankri, Police Station Kurud, District : Dhamtari, Chhattisgarh (**Driver**).
2. National Insurance Company Limited Through Branch Manager, Branch Office Mobin Mahal, G E Road, Raipur, Tahsil And District Raipur (**Insurance Company**).

... Respondents*(Cause title taken from Case Information System)*

For Appellants	:	Mr. Praveen Dhurandhar, Advocate.
For Respondent No.2	:	Mr. G. V. Kutumba Rao , Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

06/05/2026

1. Heard.
2. This appeal has been filed by the appellants/claimants under Section 173 of the Motor Vehicle Act, 1988 (for short 'M.V. Act') against the impugned award dated 06.07.2022 (Annexure-A/1) passed by the learned Upper Motor Accident Claims Tribunal, Camp Court Kurud (for short the "Claims Tribunal"), District Dhamtari (C.G.) in Claim Case No. 141/2021 awarding a compensation of Rs. 18,91,400/- in favour of the appellants/claimants.
3. Facts of the case in brief are that on 27.02.2021, the victim Budhram Sahu had gone to Nawapara – Rajim for his personal work. When he was returning to his Village Bhendri by his motorcycle bearing Registration No CG-04-KZ-3269, at about 12.30 to 1:00 a.m. near Village Nari School turning, the respondent No.1/driver of the offending vehicle '*Force Toofan*' bearing Registration No. CG-05-AC-4369 came from the opposite direction by driving rashly and negligently and dashed the motorcycle of the victim and he fell down along with his motorcycle. Due to which the victim injured grievously on his head and chest and was admitted into the Community Health Centre, Kurud, where he died during the course of treatment.
4. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 30,00,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.
5. After evaluating the evidence available on record, the Tribunal awarded Rs.18,91,400/- to the appellants/claimants as compensation as a whole and it is this award which is under challenge in this appeal.
6. Learned counsel for the appellants/claimants submits that at the time of incident deceased was aged about 31 years. He submits that though the

deceased being a mason was earning Rs.9,000/- per month, the Tribunal has taken it at Rs. 6,048/- and thus committed an illegality in so doing. He further submits that there are five dependents upon the income of the deceased including wife, three minor children and mother of the deceased and the learned Claims Tribunal awarded less compensation, which requires suitable enhancement.

7. On the other hand, counsel for the respondent No.2 has supported the award impugned and submits that compensation as awarded by the learned Claims Tribunal is just and proper, hence does not call for any interference by this Court.
8. I have heard counsel for the parties and perused the material available on record with utmost circumspection.
9. From the pleadings it is clear that the accident occurred with the offending vehicle which was insured with respondent No.2 and was being driven by respondent No.1. From the pleadings it is apparent that at the time of filing of claim application there were 5 dependents upon the income of the deceased. Learned Claims Tribunal took the monthly income of the deceased at Rs. 9,000/- which in the considered opinion of this Court appears to be inappropriate, as the deceased is found to be a skilled labour (mason) working in municipal corporation. Taking into consideration the facts and circumstances of the case available on record, nature of job; age of the deceased at the time of accident and date of accident, monthly income of the deceased is taken at Rs. 12,000/- and annual at Rs. 1,44,000/-.
10. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi**, (2017) 16 SCC 680, **Sarla Verma and others v. Delhi Transport Corporation and others**, (2009) 6 SCC 121 and **Magma General Insurance Co. Ltd. v.**

Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130, this Court recomputes the compensation in the following manner:-

Serial No.	Particulars	Amount(Rs.)
1	Annual Income (Rs.12,000 x 12)	1,44,000
2	Income with Future Prospects (Rs.1,44,000 x 40% Future Prospects = Rs.57,600; 1,44,000 + 57,600 = 2,01,600)	2,01,600
3	Income after Deduction towards Personal Expenses of the Deceased (Rs.2,01,600 / 4 = Rs.50,400; 2,01,600 – 50,400 = Rs.1,51,200)	1,51,200
4	Loss of Dependency after applying Multiplier (Rs.1,51,200 x 16 = Rs.24,19,200)	24,19,200
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Consortium to wife	44,000
8	Filial and Parental Consortium (Rs.40,000 x 4 = Rs.1,60,000)	1,60,000
	Total Compensation =	26,56,200
	(-) Compensation Awarded by the Claims Tribunal =	18,91,400
	Enhancement in Compensation =	7,64,800

11. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.7,64,800/-. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal, i.e., 08.02.2023 till realisation of the enhanced compensation. Respondent No.2/insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of a copy of this order. Out of the enhanced amount of compensation, a sum of

Rs.1,50,000/- each shall be deposited as fixed deposit in the names of appellants No.2 to 4/claimants in a nationalized till their attaining majority; Rs.2,50,000/- shall be deposited as fixed deposit in the name of appellant No.1 in a nationalized bank for a period of 2 years and; Rs.50,000/- shall be disbursed in the account of appellant No.5. Remaining amount shall be paid to appellant No.1 through bank transactions / account payee cheque. On deposit, learned Claims Tribunal shall pass an appropriate order regarding the remaining amount with regard to the apportionment and disbursement of the enhanced amount of compensation amongst the appellants/claimants.

12. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

**Sd/-
(Sachin Singh Rajput)
Judge**

Deepti Jha