



2026:CGHC:16619



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 396 of 2020

1 - Dhanush Dhivar S/o Ramjhoan Dhivar Aged About 25 Years R/o Village Podidalha. P.S. And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

2 - Smt. Mayadevi W/o Dhanuh Dhivar Aged About 23 Years R/o Village Podidalha, Police Station And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

... Appellants

Versus

1 - Gangaram S/o Dukhram Aged About 24 Years R/o Yadavpara Thathari, Police Station And Tahsil- Baradwar, District- Janjgir-Champa, Chhattisgarh. (Vehicle Driver- Of Offending Vehicle C.G.- 11. D.3442), District : Janjgir-Champa, Chhattisgarh

2 - Benkteshwar Singh S/o Rangbahardur Singh R/o Village And Post- Thathari) .S And Tahsil Baradwar, District- Janjgir-Champa, Chhattisgarh. (Vehicle Owner- Vehicle Cg-11.D.3442), District : Janjgir-Champa, Chhattisgarh

3 - The Oriental Insurance Company Limited Through Branch Manager, Branch Office Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

... Respondents

[Cause-title taken from Case Information System (CIS)]

For Appellant	:	Mr. Vaibhav Mittal, Advocate on behalf Mr. Rahil Arun Kochar, Advocate
For Respondents	:	Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

(Order on Board)

10.04.2026

1. Heard on IA No.02, which is an application seeking condonation of



delay of 1206 days in filing this appeal.

2. Learned counsel for the appellants submits that the appellants/claimants are father and mother of minor child, namely, Ku. Urvashi, who died in road accident took place on 09.01.2015. Since, the appellants are resident of Village Podidalha, which comes within the vicinity of Tahsil- Akaltara i.e. a remote area of District- Janjgir-Champa (CG) and are also illiterate persons, they were not aware about the remedy of filing appeal against the impugned award of compensation and seeking enhancement. As such, the delay occurred in the filing this appeal is unintentional one and due to bonafide reasons, therefore, the same is liable to be condoned.

3. On the other hand, learned counsel for the respondents opposed the submission made by learned counsel for the appellants seeking condonation of delay in filing this appeal.

4. I have heard learned counsel for the parties at length on the question of condonation of delay.

5. True its is that the appellants/claimants are father and mother of minor child, namely, Ku. Urvashi, who died in road accident took place on 09.01.2015 and they are resident of Village Podidalha, which is a remote village of District- Janjgir-Champa (CG) and they are also illiterate persons, therefore, I am of the considered opinion that sufficient reason has been assigned by the appellants for not filing this appeal in time. As such, the delay of 1206 days in filing this appeal is hereby condoned subject to the condition that the appellants/claimants



will not be entitled for any interest on the amount of compensation, if enhanced by this Court, for the aforesaid period of delay.

6. Also heard on main appeal.
7. Appeal being arguable is **admitted** for hearing.
8. Issue notice to the respondent.
9. Mrs. Swati Agrawal, learned counsel appearing for the respondent-Insurance Company accept notice.
10. With the consent of the parties, heard finally.
11. In this appeal filed under Section 173(2) of the Motor Vehicle Act, 1988 (for short the "MV Act"), the appellants- Claimants are seeking enhancement of amount of compensation by challenging the impugned award dt. 25.07.2016, whereby learned Claims Tribunal has awarded a total sum of Rs.2,50,000/- as compensation to them on account of death of their minor daughter, namely, Ku. Urvashi, who was aged about 03 years on the date of accident.
12. Learned counsel for the appellants would make sole submission that learned claims tribunal erred in law in not awarding proper compensation under the facts of the present case, as in light of the decision of the Supreme Court in the matter of **Kishan Gopal v. Lala**¹, total Rs.5,00,000/- ought to have been awarded to them on account of death of their minor daughter, aged about 03 years. As such, the impugned award is liable to be modified to that extend.
13. On the other hand, learned counsel for the respondent supported

¹ (2014) 1 SCC 244



the impugned award and prays for dismissal of this appeal.

14. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

15. In the instant case, it is not in dispute that the appellants/claimants are father and mother of minor child, namely, Ku. Urvashi, who died in road accident took place on 09.01.2015 and at the time of accident her age was only 03 years, therefore, in my considered opinion and in light of the decision of **Krishan Gopal** (supra), the amount of compensation of Rs.2,50,000/- awarded by the Claims Tribunal is liable to be enhanced to Rs.5,00,000/-. It is ordered accordingly. Hence, after deducting amount of Rs.2,50,000/-, the appellants are held entitled for an additional amount of **Rs.2,50,000/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 8% per annum from the date of filing of claim application before the Tribunal till its realization, except for the period of delay occurred in filing this appeal. Rest of the conditions of the impugned award shall remain intact.

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

sd/-
(Sanjay K. Agrawal)
Judge