



2026:CGHC:21355

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 532 of 2020

1 - Smt. Nita Jain Wd/o Late Shri Jainendra Jain Aged About 49 Years R/o Village And Post Gitpahar, Police Station And Tahsil Narharpur, District North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

2 - Danesh Jain S/o Late Shri Jainendra Jain Aged About 25 Years R/o Village And Post Gitpahar, Police Station And Tahsil Narharpur, District North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

3 - Khemchand Jain S/o Late Shri Jainendra Jain Aged About 23 Years R/o Village And Post Gitpahar, Police Station And Tahsil Narharpur, District North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

... Appellant

Versus

1 - Satam S/o Late Shri Ugraj Singh Aged About 55 Years R/o Rampur Ward Dhamtari, Police Station, Tahsil And District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

2 - Nirmaldas Manikpuri S/o Devdas Manikpuri Aged About 30 Years R/o Telipara Sunderganj, Ward Dhamtari, Police Station And Tahsil Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

3 - The Divisional Manager National Insurance Company Limited In Front Of Lal Ganga Shopping Complex, G.E. Road, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent

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

For Appellants	:	Mr. Kunal Das, Advocate
For Respondent No.3	:	Mr. Dashrath Gupta, Advocate

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

(Order on Board)



07.05.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the “Act of 1988”) has been preferred by the appellants seeking enhancement of amount of compensation, challenging the impugned award dt. 13.12.2019, whereby learned Claims Tribunal has awarded a total sum of Rs.38,41,205/- as compensation for the death of Jainendra Jain, who died in a road accident took place on 27.03.2018.
2. Learned counsel for the appellants would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in not awarding any amount on the head of loss of parental consortium for the appellants No.02 & 03, for which, they are entitled for Rs.40,000/- X 2 = Rs.80,000/-. Therefore, to that extent, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for the respondent No.03 would submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference. Therefore, he prays for dismissal of this appeal.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. In the case at hand, learned Claims Tribunal, on the head of loss of consortium has only awarded Rs.40,000/- to the appellant No.01 and



has not awarded any amount for the appellants No.02 & 03 and, therefore, on the head of loss of parental consortium for the appellants No.02 & 03, Rs.40,000/- X 2 = Rs.80,000/- is awarded to them. Thus, the amount of compensation of Rs..38,41,205/- awarded by the Claims Tribunal is enhanced to Rs.39,21,205/-. Hence, after deducting the amount of Rs.38,41,205/-, the appellants are held entitled for an additional amount of **Rs.80,000/-**. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal till its realization. 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. Rest of the conditions of the impugned award shall remain intact.

6. 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

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