



2026:CGHC:16617

MAC No. 456 of 2019



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 456 of 2019

1. Smt. Ramkumari Wd/o Gaiduram Jagat, Aged About 40 Years;
2. Vinod Kumar Jagat S/o Gaiduram Jagat, Aged About 22 Years;
3. Anil Kumar Jagat S/o Gaiduram Jagat, Aged About 20 Years;

All are R/o Village Kureli, Tehsil Bilha, District Bilaspur Chhattisgarh.

--- Appellants

versus

1. Kailash Kumar S/o Jagdish Yadav, Aged About 27 Years, Chananvar, Police Station - Khaira, District - Jamaui Bihar, Present Address - Pragati Nagar, Deepka, Tehsil - Katghora, District Bilaspur, Chhattisgarh (Driver).
2. Amit Kukreja S/o Kishan Chand Aged About 35 Years, R/o Station Road, Satkar Gali, Raipur, Tehsil And District Raipur. Chhattisgarh (Owner).
3. The New India Insurance Company, Through Branch Manager, Address - Second Floor, Rama Trade Centre, Opp. - Rajeev Plaza, Old Bus Stand, Bilaspur, District Bilaspur Chhattisgarh. (Insurance Company).

--- Respondents

For Appellants :- Mr. Sahdev Yadav, Advocate, appears on behalf of Mr. Pallav Mishra, Advocate.

For Respondent No.2 :- Mr. Animesh Verma, Advocate.

For Respondent No.3 :- Mr. Anil Gulati, Advocate.



SB- Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board

10.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the appellants/claimants, seeking enhancement in the amount of compensation, challenging the impugned award dated 29.09.2018 passed by the 3rd Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 441/2015 whereby learned Claims Tribunal has allowed the claimants' application and awarded a sum of ₹7,00,000/- as compensation along with interest for death of Genduram Jagat, whereas, the Insurance Company has filed the cross objection challenging the legality, validity and correctness of the aforesaid impugned award by which the Claims Tribunal has fastened the liability upon the Insurance Company to pay the compensation to the claimants

2. Mr. Sahdev Yadav, learned counsel for the claimants/appellant, would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the present cases. He would also submit that the Claims Tribunal erred in assessing income of the deceased ₹4,500/- per month which should be ₹5,787/- per month as per Chhattisgarh Minimum Wages Notification issued by



the office of the Labour Commissioner, Chhattisgarh. He would further submit that under the head of consortium less amount has been awarded by the Claims Tribunal, which is liable to be enhanced. Therefore, the appeal filed by the claimants deserves to be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Mr. Animesh Verma, learned counsel for the owner/respondent No.3, would submit that the owner is not liable to pay the compensation to the claimants.

4. Mr. Anil Gulati, learned counsel for the Insurance Company, would submit that driver of the offending vehicle did not have the valid and effective driving licence to ply the vehicle and the particulars of the driving licence which was not submitted before the Claims Tribunal was not legible, therefore, the Claims Tribunal has failed to consider it properly. Furthermore, he would submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.

5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records meticulously.



6. After considering the oral and documentary evidence, the Claims Tribunal at para 17 of the impugned award has clearly recorded a finding that the Insurance Company has failed to produce any clinching evidence in support of its plea that the driver of the offending vehicle did not have the valid and effective driving licence. As such, the Claims Tribunal has rightly fastened the liability upon the Insurance Company to pay the compensation to the claimants which in my considered opinion is correct finding of fact based on evidence available on record.

7. Furthermore, learned Claims Tribunal assessed the monthly income of deceased to be ₹4,500/- however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be ₹5,787/- (as per minimum wages prescribed at relevant time) and ₹69,444/- per annum. Furthermore, the Claims Tribunal has awarded less amount under the head of consortium which is liable to be awarded and enhanced. As such, the compensation amount is liable to be enhanced.

8. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi

¹ (2017) 16 SCC 680

**Transport Corporation & Ors² and Magma General Insurance Co. Ltd.****v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the

compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	₹4,500x12 = ₹ 54,000/-	₹5787x12 = ₹69,444/-
2.	Future Prospect	(+) 25% = 13,500/- Total = ₹54,000+13,500= ₹67,500/-	(+) 25% =17,361/- Total = ₹69,444+17,361= ₹86,805/-
3.	Multiplier	(x) 14 = ₹9,45,000/-	(x) 14 = ₹12,15,270/-
4.	Deduction	(-)1/3 = ₹3,15,000/-; ₹9,45,000-3,15,000= ₹6,30,000/-	(-)1/3 = ₹4,05,090/-; ₹12,15,270-4,05,090= ₹8,10,180/-
5.	Loss of Estate	₹15,000/-	₹15,000/-
6.	Funeral Expenses	₹15,000/-	₹15,000/-
7.	Consortium	₹40,000/-	₹1,20,000/-
8.	Total	₹7,00,000/-	₹9,60,180/-

9. In view of the aforesaid analysis, the amount of compensation of **₹7,00,000/-** awarded by the Claims Tribunal is enhanced to **₹9,60,180/-**. Hence, after deducting the amount of **₹7,00,000/-**, the appellants/claimants are held to be entitled to an additional amount of **₹2,60,180-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of copy of

² (2009) 6 SCC 121

³ (2018) 18 SCC 130



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this order. The additional amount of compensation shall carry interest @6% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

10. Accordingly, the appeal filed by the claimants is allowed in part and the impugned award is modified to the extent as indicated herein-above and the cross objection of the Insurance Company is dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit