



2026:CGHC:19600



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 493 of 2023

1 - Lekhram S/o Late Banwali Ram Aged About 23 Years R/o Brahma Chowk, Thana,tahsil And District Dhamtari, Chhattisgarh. (Claimant)

2 - Smt. Thagiya Bai W/o Late Banwali Ram Aged About 59 Years R/o Brahma Chowk, Thana,tahsil And District Dhamtari, Chhattisgarh. (Claimant)

... Appellants

versus

1 - Rakesh Diwan S/o Late Sanatdhar Diwan Aged About 35 Years R/o Aamatalab Road, Post Office Ward Dhamtari, Thana, Tahsil And District Dhamtari, Chhattisgarh. (Driver Of The Vehicle)

2 - Umashankar S/o Tahalu Ram Aged About 27 Years Cast- Sahu, R/o Stationpara, Dhamtari, Thana, Tahsil And District Dhamtari, Chhattisgarh.

3 - Sharawan Kumar S/o Kritram Cast - Sahu, R/o Ramsagarpara Dhamtari, Thana, Tahsil And District Dhamtari, Chhattisgarh.

4 - Divisional Manager, Icici Lombard General Insurance Co. Ltd. Branch Office, Ground Commercial Building, Devendra Nagar, Raipur, Post, Tahsil, Thana And District Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	: Mr. Kunal Das, Advocate
For Respondent No. 4	: Ms. Gunjan Rani Agrawal on behalf of Shekhar Rao Saheb Amin, Advocate



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Hon'ble Shri Justice Sachin Singh Rajput,
Order on Board

28/04/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "MV Act") has been preferred by the appellants/claimants, being aggrieved by the award dated 11.07.2022 passed by the Court of learned Additional Motor Accident Claims Tribunal (FTC), Dhamtari, District Dhamtari (C.G.) (for short, "the learned Tribunal") in Claim Case No. 94/21.
2. By the impugned award, the learned Tribunal has awarded compensation of Rs. 7,24,600/- to the appellants/claimants on account of the death of deceased Seeta alias Pooja Dewangan in a motor accident that occurred on due to rash and negligent driving of the offending vehicle Truck bearing Registration No. CG-05-AJ-6697 and Trolley bearing Registration No. CG-05-AB-2136, driven by respondent No. 1 and insured with respondent No. 4. As a result of the said accident, the deceased sustained fatal injuries and succumbed to the same.
3. As per the pleadings, the deceased Seeta alias Pooja Dewangan was aged about 20 years and was engaged in business of stitching, weaving, painting earning Rs. 6,000/- to Rs. 8000/- per month. The appellant no. 1 is husband of the deceased and appellant no. 2 is mother-in-law of deceased. Therefore, the



claimants have filed the application seeking compensation of Rs. 38,00,000/- on account of the death of the deceased.

4. Respondent No. 1 (driver) filed his written statement denying the averments made in the claim petition. Respondent No. 4 (Insurance Company), in the usual course, also denied the averments and further pleaded that the driver of the offending vehicle did not possess a valid and effective driving licence and permit and that there was violation of the terms and conditions of the insurance policy.
5. On the basis of the aforesaid pleadings, the learned Tribunal framed issues and, upon appreciation of the evidence available on record, decided the same in favour of the appellants/claimants and awarded the aforesaid compensation.
6. Learned counsel for the appellants submits that the learned Tribunal has erred in the computation of compensation by incorrectly assessing income of the deceased as the learned court below did not consider that the deceased was a skilled worker doing stitching, knitting and painting earning Rs. 10,000/- at the time of accident. He also submits that the amount awarded for pain and suffering is very less. Learned Claims Tribunal has granted less amount for funeral expenses, loss of estate, pain and suffering, love and affection has to be calculated.



7. Per contra, learned counsel for respondent Nos. 1 and 2 supports the award and submits that, in view of the evidence available on record, the findings recorded by the learned Tribunal are just and proper, and the compensation awarded is fair and reasonable.
8. I have heard learned counsel for the parties, considered their rival submissions, and perused the record.
9. Considering the evidence available on record, it is evident that the deceased Seeta alias Pooja Dewangan was aged about 18 years and was engaged into the business of stitching, knitting and painting which shows that the deceased will fall under the category of skilled labourer. Considering the provisions of Minimum Wages Act prevailing on the date of accident, i.e., 13.03.2021, this Court assessed the income of the deceased as Rs. 8000.
10. It is settled principle of law that just compensation has to be awarded. Compensation need not be a meagre amount of compensation nor a bonanza. Thus, in light of the above and taking guidance from the judgment of Hon'ble Supreme Court in the matter of **National Insurance Company Ltd. V. Pranay Sethi and others; (2017) 16 SCC 680, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors; (2009) 6 SCC 121 and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors; (2018) 18 SCC 130**, this Court is recomputing the compensation as below:-



S. No.	PARTICULARS	Awarded by this Court
1.	Monthly income of the deceased	Rs. 8000/-
2.	Future prospects @ 40%	Rs. 8000/- x 40% = Rs. 3200/-
3.	Enhanced monthly income	Rs. 8000/- + Rs. 3200/- = Rs. 11,200/-
4.	Annual income	Rs. 11,200/- x 12 = Rs. 1,34,400/-
5.	Personal expenditure (1/2)	Rs. 1,34,400/2 = Rs. 67,200/-
6.	Net income	Rs. 1,34,400 – Rs. 67,200 = Rs. 67,200/-
7.	Multiplier of 18 applied to assess total loss of dependency	Rs. 67,200/- x 18 = Rs.12,09,600/-
8.	Funeral expenses	Rs. 16,500/-
9.	Loss of estate	Rs. 16,500/-
10.	Spousal consortium	Rs. 40,000/-
11.	Total compensation	Rs. 12,82,600/-

11. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 7,24,600/- awarded by the Tribunal is enhanced to Rs. 12,82,600/-. Hence, after deducting the amount of Rs. 7,24,600/-, the appellants/claimants are held entitled for an additional amount of Rs. 5,58,000/-. The additional amount shall carry interest @6% per annum from the date of appeal, i.e., 13.03.2021. The impugned award stands modified to the above extent.

12. The respondent No. 4—Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of



sixty (60) days from today. Upon such deposit being made, a sum of Rs. 5,00,000/- shall be invested in the name of appellant No. 1 in the form of a Fixed Deposit Receipt (FDR) in any Nationalized Bank for 3 years. A sum of Rs. 50,000/- shall be released to appellant no. 2 by way of bank transfer/ account payee cheque and the balance amount shall be released to appellant No. 1 by way of bank transfer/account payee cheque.

Sd/-
(Sachin Singh Rajput)
JUDGE

Madhurima