



2026:CGHC:12797



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 614 of 2024**

**1** - Smt. Shivkumari Goyal Wd/o Dhirendra Goyal Aged About 34 Years  
R/o Village - Mulmula (Trimurti Chowk), Police Station - Mulmula,  
District Janjgir Champa, Chhattisgarh.

**2** - Evraj Goyal S/o Dhirendra Goyal Aged About 15 Years Minor,  
Through The Mother ( Natural Guardian) Smt. Shivkumari Goyal, R/o  
Village - Mulmula (Trimurti Chowk), Police Station - Mulmula, District  
Janjgir Champa, Chhattisgarh.

**3** - Kumari Pragati D/o Dhirendra Goyal Aged About 13 Years Minor,  
Through The Mother ( Natural Guardian) Smt. Shivkumari Goyal, R/o  
Village - Mulmula (Trimurti Chowk), Police Station - Mulmula, District  
Janjgir Champa, Chhattisgarh.

**4** - Ayush S/o Dhirendra Goyal Aged About 11 Years Minor, Through  
The Mother ( Natural Guardian) Smt. Shivkumari Goyal, R/o Village -  
Mulmula (Trimurti Chowk), Police Station - Mulmula, District Janjgir  
Champa, Chhattisgarh.

**5** - Manohar S/o Late Tijau Aged About 57 Years R/o Village - Mulmula  
(Trimurti Chowk), Police Station - Mulmula, District Janjgir Champa,  
Chhattisgarh.

**6** - Smt. Rukhmani W/o Manohar Aged About 52 Years R/o Village -



Mulmula (Trimurti Chowk), Police Station - Mulmula, District Janjgir  
Champa, Chhattisgarh.

**... Appellants**

**versus**

**1** - Hirendra Sarote S/o Manohar Sarote Aged About 31 Years R/o Village - Quarter No. - 116 Oural Raiyat, Tahsil - Bichhiya, District Mandala (M.P.), Pin - 481996 ( Driver Of The Vehicle Truck No. C.G. 22/m-8407)

**2** - Mohammad Arif S/o Alauddin Ansari R/o Quarter No. 100, Ward No. 13, Kankalipara, Hind Tower, Simga, District Balodabazar ( C.G.), Pin No. 492001 ( Owner Of The Vehicle Truck No. C.G. 22/m-8407)

**3** - The New India Insurance Company Limited, Through Branch Manager, The New India Insurance Company Limited, Rama Trade Centre, In Front Of Rajiv Plaza, Old Bus Stand, Bilaspur, District Bilaspur, (C.G.) ( Insurer Of The Vehicle Truck No. C.G. 22/m-8407)

**... Respondents**

|                            |   |                                                               |
|----------------------------|---|---------------------------------------------------------------|
| For Appellants             | : | Shri Anand Kesharwani, Advocate                               |
| For Respondent No.3        | : | Shri B.N. Nande, Advocate with<br>Ms. Suchi Ramteke, Advocate |
| For Respondents No.1 and 2 | : | None, despite service of notice                               |

**Hon'ble Shri Justice Sachin Singh Rajput**

**Order on Board**

**17/03/2026**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') calls in question validity, correctness and judicial propriety of the award dated 16.3.2023 passed by the 2<sup>nd</sup> Additional Motor Accidents Claims Tribunal, Janjgir, District Janjgir-Champa (Chhattisgarh) (for short 'Claims Tribunal') in



Case No.58 of 2022.

- 2.** By the award impugned, learned Claims Tribunal has awarded compensation of Rs.13,33,934 on account of death of Dhirendra Goyal in an accident that occurred on 28.5.2022 by rash and negligent driving of the offending vehicle truck bearing registration No.CG 22 M 8407 driven by respondent No.1, owned by respondent No.2 and insured with respondent No.3. As per the pleadings of the claim application, the deceased was aged about 42 years and was engaged in driving an autorickshaw. He was earning Rs.20,000-25,000 per month. He met with an accident by rash and negligent driving of the offending vehicle which resulted into his death. Total compensation of Rs.24,00,000 was claimed.
- 3.** Respondents No.1 and 2 denied the averments of the claim application. Respondent No.3 also denied the averments of the claim application and also pleaded violation of the insurance policy on the strength of driving licence, permit, registration and fitness certificates.
- 4.** On the basis of above pleadings, learned Claims Tribunal framed four issues and decided all the issues in favour of the appellants/claimants and awarded the above stated compensation.
- 5.** Learned counsel for the appellants submits that the amount of compensation is on lower side; income of the deceased has wrongly been assessed; meager amount of compensation has



been awarded on other heads and thus compensation may be enhanced suitably.

6. Opposing the above submission, learned counsel appearing for respondent No.3 supported the impugned award. They submit that the appellants/claimants could not prove the profession and income of the deceased. Thus, the learned Claims Tribunal has rightly assessed the monthly income of the deceased to Rs.8,025 on the basis of minimum wages. They further submit that just compensation has been awarded. The appeal has no merit and it deserves to be dismissed.
7. I have heard the rival contentions put forth on behalf of the parties and perused the record of the Claims Tribunal.
8. The deceased was aged about 42 years. As per the claim application, he was engaged in driving an auto-rickshaw. The Claims Tribunal has assessed his monthly income to Rs.8,025. On the analysis of the evidence available on record, it appears to be on lower side. There are total 6 dependents on the income of the deceased including wife, 3 minor children and parents. Thus, taking into consideration the facts, circumstances and evidence; minimum wages and nature of job, age of the deceased, this Court is inclined to assess monthly income of the deceased to Rs.10,000.
9. 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:

| Sl. No.                                           | Particulars                                                                                                                  | Amount (Rs.)    |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1                                                 | Annual Income<br>(Rs.10,000 x 12 =)                                                                                          | 1,20,000        |
| 2                                                 | Income with Future Prospects<br>(Rs.1,20,000 x 25% Future Prospects = 30,000; 1,20,000 + 30,000 = 1,50,000)                  | 1,50,000        |
| 3                                                 | Income after Deduction towards Personal Expenses of the Deceased<br>(Rs.1,50,000 / 4 = 37,500; 1,50,000 - 37,500 = 1,12,500) | 1,12,500        |
| 4                                                 | Loss of Dependency after use of Multiplier<br>(Rs.1,12,500 x 14 =)                                                           | 15,75,000       |
| 7                                                 | Funeral Expenses                                                                                                             | 16,500          |
| 8                                                 | Loss of Estate                                                                                                               | 16,500          |
| 9                                                 | Spousal Consortium                                                                                                           | 44,000          |
| 10                                                | Parental and Filial Consortium                                                                                               | 2,00,000        |
| Total Compensation =                              |                                                                                                                              | 18,52,000       |
| (-) Compensation Awarded by the Claims Tribunal = |                                                                                                                              | 13,33,934       |
| <b>Enhancement in Compensation =</b>              |                                                                                                                              | <b>5,18,066</b> |

- 10.** In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.5,18,066. Respondent No.3/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. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till realisation of the enhanced compensation. On the deposit being made by the insurance company, the learned Claims Tribunal shall pass appropriate orders with regard to apportionment, investment and disbursement of the amount among the appellants/claimants. Rest of the impugned award shall remain intact.

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

**Sd/-**

**(Sachin Singh Rajput)**  
**JUDGE**