



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 488 of 2023**

1 - Rikhi Bai Binjbar Wd/o Late Ramchandra Binjbar Aged About 30 Years R/o Mohalla Nawapara Umarmara, Police Station And Tahsil - Kota, District : Bilaspur, Chhattisgarh.

2 - Ajit S/o Late Ramchandra Binjbar Aged About 9 Years Minor Through The Mother (Natural Guardian) Rikhi Bai Binjbar Wd/o Late Ramchandra Binjbar, R/o Village Mohalla Nawapara Umarmara, Police Station And Tahsil - Kota, District Bilaspur, Chhattisgarh.

3 - Arman S/o Late Ramchandra Binjbar Aged About 7 Years Minor Through The Mother (Natural Guardian) Rikhi Bai Binjbar Wd/o Late Ramchandra Binjbar, R/o Village Mohalla Nawapara Umarmara, Police Station And Tahsil - Kota, District Bilaspur, Chhattisgarh.

4 - Aryan Kumar S/o Ramchandra Binjbar Aged About 2 Years Minor Through The Mother (Natural Guardian) Rikhi Bai Binjbar Wd/o Late Ramchandra Binjbar, R/o Village Mohalla Nawapara Umarmara, Police Station And Tahsil - Kota, District Bilaspur, Chhattisgarh.

... Appellants**versus**

1 - Shiv Sarthi S/o Raghuram Sarthi Aged About 34 Years R/o Near Khandoba Temple, Ratanpur, Police Station - Ratanpur Tahsil - Kota, District - Bilaspur Chhattisgarh, (Driver Of The Vehicle).

2 - Rajendra Prasad Debey S/o Ishwar Prasad Dubey Aged About 30 Years R/o Village Lahrapara, Batra, Tahsil And Police Station Pali, District Korba, Chhattisgarh (Owner Of The Vehicle).



3 - The Oriental Insurance Company Limited Through Parmanent Address -
Rama Center, 1st Floor, Near Old Bus Stand, Rajiv Plaza, Bilaspur Tahsil And
District Bilaspur Chhattisgarh, (Insurer Of The Vehicle).

... Respondents

For Appellants : Mr. Anand Kesharwani, Advocate
For Res. No. 3 : Mr. Hanuman Prasad Agrawal, Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

05.05.2026.

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short MV Act) has been filed by the appellants/claimants, being aggrieved by the award dated 29.09.2022, passed by the learned 1st Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No. 106 of 2021.
2. By the impugned award, the learned Tribunal has awarded compensation of Rs. 18,64,540/- to the appellants/claimants, on account of the death of deceased/Ramchand Binjbar, due to accident that took place on 29.06.2020 by offending vehicle (Pickup, Metador) bearing Registration No. CG10-AL/0512. The driver of the offending vehicle is respondent No. 1, it is owned by respondent No. 2 and insured with the Insurance Company/respondent No. 3. As a result of the said accident, the deceased/ Ramchand Binjbar, sustained severe injuries, due to which he died.
3. As per the pleadings, at the time of accident, the deceased/ Ramchand Binjbar was aged about 34 years and he was a Mason and was earning Rs. 20,000/- per month. The appellants/claimants were dependent upon the income of the deceased.
4. Respondent No. 1 & 2/Driver, owner and Respondent No.3/Insurance company have filed their written statement, in usual



course, denied the averments of the claim application. The Insurance Company further pleaded that the driver of the offending vehicle did not have valid and effective driving licence and there is a violation of terms and conditions of insurance policy.

5. On the basis of the above pleadings, the learned Tribunal has framed four issues and after appreciating the material available on record decided the same in favour of the appellants/claimants and awarded above stated compensation.
6. Learned counsel for the appellants/claimants submits that on the date of accident, the deceased/ Ramchand Binjbar was a Mason and was earning Rs. 20,000/- per month whereas the learned Tribunal assessed the monthly income of the deceased to Rs. 8,860/-. Alternatively, he submits that looking to the age, three minor children, date of accident, atleast minimum wages should have been taken for assessment of compensation and amount on other heads is also on the lower side. Hence, suitable enhancement may be made by this Court.
7. Learned counsel for the respondent No.3. Supports the award and submits that in absence of any documentary evidence with regard to income of the deceased, findings of the learned Tribunal is justified and just compensation has been awarded.
8. I have heard learned counsel for the parties, considered their rival submissions and perused the records.
9. As per pleadings, the deceased at the time of accident the deceased was a Mason and was earning Rs. 20,000/- per month Though, no documentary evidence has been brought on record with regard to income of the deceased but considering the fact that the appellant No. 1 is a widow lady alongwith three minor children, and they were dependent upon the income of the deceased, thus, taking into consideration the number of dependents; age of the deceased; date of accident; nature of job & minimum wages prevailing at that time this Court is of the view that Rs. 11,000/- can



be safely taken as income of the deceased. While granting compensation the Court has to keep in mind that the compensation awarded should be just and not the meager one.

10. 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.N	Particular	Awarded by this Court
1.	Monthly Income of the deceased	11,000/-
2.	Future Prospects @ 40%	4,400/-
3.	Total Income	15,400/-
4.	Total Yearly Income	15,400X12= 1,84,800/-
5.	Personal expenditure (1/4)	1,84,800/4= 46,200/-
6.	Net Income	1,84,800- 46,200= 1,38,600/-
7.	Multiplier of 15 applied to assess total loss of dependency	1,38600X15= 20,79,000/-
8.	Funeral Expenses	15000/-
9.	Loss of estate	15000/-
10.	Spousal Consortium	40,000/-
11.	Filial and Parental Consortium	120,000/-
	Total compensation	22,69,000/-

11. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 18,64,540/- awarded by the Tribunal is enhanced to Rs. 22,69,000/-. Hence, after deducting the amount of Rs. 18,64,540/-, the appellants/claimants are held entitled for an additional amount of Rs. 4,04,460/-. The additional amount shall carry interest @6% per annum from the date of appeal i.e. 24.03.2023. The impugned award stands modified to the above extent.



2026:CGHC:20989

12. The insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from today, on such deposit being made, one F.D. of Rs. 1 lac for a period of two years shall be made in the name of appellant No. 1- Rikhi Bai Binjbar and fix deposits of Rs. 1 Lac each shall be made in the names of appellant No. 2- Ajeet, appellant No. 3-Arman and appellant No. 3- Aryan Kumar and they would be entitled to get withdrawal of the same after attaining the age of majority and remaining amount shall be disbursed to the appellant No. 1.
13. Consequently, the appeal is partly allowed.

Sd/-

(Sachin Singh Rajput)
Judge

Ami