



2026:CGHC:20692



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 841 of 2019

1 - Shriram General Insurance Company Limited Through Manger, R/o Industrial Area Sitapura Jaipur (Rajasthan) (Insurer Of Hiwa Truck No.C.G.10/A/9300)

--- Appellant

versus

1 - Jageshwari Bai Wd/o Late Rathram Dhiwar Aged About 20 Years R/o Village-Semartal, Thana-Koni District Bilaspur Chhattigarh

2 - Kumari Sakshi Dhiwar D/o Late Rathram Dhiwar Aged About 05 Months Minor Represented Through Natural Guardian Mother Jageshwari Bai R/o Village-Semartal, Thana-Koni District Bilaspur Chhattigarh,

3 - Shri Shamsheer Ali S/o Shafiq Ali Aged About 33 Years R/o Jarhabhata Kumharpara Bilaspur Chhattisgarh Present (Driver And Owner Of Hiwa Truck No.C.G.10/A/9300),

--- Respondent(s)

For Appellant	:	Mr. Sourabh Gupta appears on behalf of Mr. Sourabh Sharma, Advocate.
For Respondents No.1 & 2	:	Miss Pranoti Das appears on behalf of Mr. Goutam Khetrapal, Advocate.

MAC No. 818 of 2019

1 - Shriram General Insurance Company Limited, Through Manager, R/o Industrial Area, Sitapura, Jaipur (Rajastha) (Insurer Of Hiwa Truck No. C.G. 10/A/9300)

---Appellant

Versus



1 - Smt. Chameli Bai Wd/o Ramkumar Manikpuri, Aged About 48 Years
R/o Village - Semartal, Thana Koni, District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh

2 - Ramkumar Manikpuri S/o Late Ratandas Manikpuri, Aged About 52
Years R/o Village - Semartal, Thana Koni, District Bilaspur
Chhattisgarh. (Claimants)

3 - Shri Shamsheer Ali S/o Shafiq Ali Aged About 33 Years R/o
Jarhabhata, Kumharpara, Bilaspur Chhattisgarh. Present (Driver And
Owner Of Hiwa Truck No.C.G.-10/A/9300),

--- Respondent(s)

For Appellant	:	Mr. Sourabh Gupta appears on behalf of Mr. Sourabh Sharma, Advocate.
For Respondents No.1 & 2	:	Miss Pranoti Das appears on behalf of Mr. Goutam Khetrapal, Advocate.

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/05/2026

1. Since the aforesaid Appeals and the Cross-Appeals filed in both the Appeals arise out of same accident, they are clubbed together, heard together and are being disposed of by this common order.
2. The appellant/Insurance Company has preferred these Appeals under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act, 1988') calling in question the legality, validity and correctness of the award dated 29.11.2018 passed by the Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (for short 'the Claims Tribunal') in Claim Case Nos.333/2014 & 332/2014 by which liability to pay compensation of Rs.9,77,200/- &



Rs.15,42,000/- respectively, has been fastened on the Insurance Company.

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3. Mr. Sourabh Gupta, learned counsel for the appellant would submit that the offending vehicle has been falsely implanted in the accident to recover the amount of compensation, as the FIR has been lodged after 45 days of the accident and, therefore, the Insurance Company is not liable to pay compensation and the Insurance Company may be exonerated from liability.
4. On the other hand, being a death case, the claimants have preferred Cross-Appeal seeking enhancement of compensation.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. Though in para-12 of the written statement the Insurance Company has taken a defence with regard to false implantation of the offending vehicle, but to prove the same, no evidence has been led by the Insurance Company. Moreover, mere delay in lodging the FIR would not result in rejection of the claim petition.
{See : **Ravi vs Badrinarayan & Ors**¹}
7. In that view of the matter, the Appeal filed by the Insurance Company deserves to be dismissed.

¹ (2011) 4 SCC 693

**Cross-Appeal in MAC No. 841 of 2019**

8. In the instant case, the Claims Tribunal has assessed the income of the deceased at ₹4,500/- whereas the income should have been assessed at Rs.5,163/- per month. Considering the facts and circumstances of the case and that present is a death case, it would be appropriate to enhance award amount. As such, the claimants will be entitled for the following compensation as computed by this Court:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	Rs. 4500 x 12 = 54,000	Rs.5,163/- x 12 = Rs.61,956/-
2.	(+) 40% future prospects	(+) 40% i.e. Rs.21,600/- = Rs.75,600/-	(+) 40% i.e. Rs.24,782/- = Rs.86,738/-
3.	(-) Deduction 1/3	(-) 1/3 i.e. 25,200/- = Rs.50,400/-	(-) 1/3 i.e. Rs.28,912/- = Rs.57,826/-
4.	Multiplier 18	Rs.50,400/- x 18 = Rs.9,07,200/-	Rs.57,826/- x 18 = Rs.10,40,868/-
5.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
6.	Loss of estate	Rs.15,000/-	Rs.15,000/-
7.	Loss of consortium for claimant No.1	Rs.40,000/-	Rs.40,000/-
8.	Loss of consortium for claimant No.2	-	Rs.40,000/-
	Grand Total	Rs.9,77,200/-	Rs.11,50,868/-

9. In view of the aforesaid analysis, the amount of compensation of **₹9,77,200/-** awarded by the Claims Tribunal is enhanced to **₹11,50,868/-**. Hence, after deducting the amount of **₹9,77,200/-**,



the claimants are held to be entitled to an additional amount of **₹1,73,668/-**. The Insurance Company is directed to deposit the amount of compensation within a period of three months from the date of receipt of a copy of 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.

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10. Mr. Sourabh Gupta, learned counsel for the appellant would submit that the offending vehicle has been falsely implanted in the accident to recover the amount of compensation, as the FIR has been lodged after 45 days of the accident and, therefore, the Insurance Company is not liable to pay compensation and the Insurance Company may be exonerated from liability.
11. On the other hand, being a death case, the claimants have preferred Cross-Appeal seeking enhancement of compensation.
12. Though in para-12 of the written statement the Insurance Company has taken a defence with regard to false implantation of the offending vehicle, but to prove the same, no evidence has been led by the Insurance Company. Moreover, mere delay in lodging the FIR would not result in rejection of the claim petition. {See : **Ravi vs Badrinarayan** (Supra)}.
13. In that view of the matter, the Appeal filed by the Insurance Company deserves to be dismissed.

**Cross-Appeal in MAC No. 818 of 2019**

14. In the instant case, the Claims Tribunal has assessed the monthly income of the deceased at Rs.10,000/- per month, however, considering the fact that the deceased was an Engineering student and he used to take Tuition and Coaching classes and thereby used to earn Rs.15,000-Rs.20,000/- month, his monthly income ought to have been doubled in the light of decision of the Hon'ble Supreme Court in the matter of **Meena Pawaia and others Vs. Ashraf Ali and Others**². Considering the facts and circumstances of the case and that present is a death case, it would be appropriate to enhance award amount. As such, the claimants will be entitled for the following compensation as computed by this Court:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	Rs.10,000/- x 12 = Rs.1,20,000/-	Rs.11,210 x 12 = Rs.1,34,520/- (Rs.5602 for skilled worker x 2 = Rs.11,210/-)
2.	Future prospects	(+) 40% i.e. Rs.48,000/- = Rs.1,68,000/-	(+) 40% = Rs.1,88,328/-
3.	Deduction	(-) ½ i.e. Rs.84,000/-	(-1/2) = Rs.94,164/-
4.	Multiplier	Rs.84,000/- x 18 = Rs.15,12,000/-	Rs.94,164/- x 18 = Rs.16,94,952/-
5.	Loss of estate	Rs.15,000/-	Rs.18,000/-
6.	Funeral expenses	Rs.15,000/-	Rs.18,000/-

² (2021) 17 SCC 148



7.	Loss of consortium	-	Rs.48,000/- x 2 = Rs.96,000/-
	Grand Total	Rs.15,42,000/-	Rs.18,26,952/-

15. In view of the aforesaid analysis, the amount of compensation of Rs.15,42,000/- awarded by the Claims Tribunal is enhanced to Rs.18,26,952/-. Hence, after deducting the amount of Rs.15,42,000/-, the claimants are held to be entitled to an additional amount of **Rs.2,84,952/-**. The Insurance Company is directed to deposit the amount of compensation within a period of three months from the date of receipt of copy of 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.
16. At this stage, Miss Pranoti Das, learned counsel for respondents No.1 & 2/Cross-objectors would submit that the claimants have already preferred separate appeals seeking enhancement of the amount of compensation, however, she undertakes that she would withdraw those appeals as and when they are listed.
17. In view of the above undertaking, it is directed that the enhanced amount of compensation in both the cross-appeals shall be disbursed only after withdrawal of the appeals filed by the respondents No.1 & 2 herein/cross-objectors.



18. In the result, the Appeals preferred by the Insurance Company are dismissed and the Cross-objections/appeals are allowed to the extent indicated above.

Sd/-
(Sanjay K. Agrawal)
Judge

Barve