



2026:CGHC:19203

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 543 of 2022

1 - Ashok Dewangan S/o Late Shri Chiman Lal Dewangan, Aged About 59 Years R/o Infront Of Rajkumar Painter, Karbala Road Ward No. 25, Kashyap Colony, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

2 - Smt. Rewati Dewangan, W/o Shri Ashok Dewangan, Aged About 52 Years R/o Infront Of Rajkumar Painter, Karbala Road Ward No. 25, Kashyap Colony, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

3 - Ku. Ruchi Dewagan D/o Ashok Dewagan Aged About 24 Years R/o Infront Of Rajkumar Painter, Karbala Road Ward No. 25, Kashyap Colony, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

--- Appellants

versus

1 - Anand Singh Thakur S/o Ashok Singh Thakur, Aged About 19 Years R/o Diprapara, Jagamal Chowk, Behind Ice Factory, P/s Kotwali, Bilaspur, District Bilaspur (Chhattisgarh).....(Driver Of Offending Vehicle), District : Bilaspur, Chhattisgarh

2 - Shri Devcharan Yadav S/o Shri Shiv Prasad Yadav, Aged About 48 Years R/o Jagamal Chowk, Behind Ice Factory, P/s Kotwali Bilaspur, District Bilaspur (Chhattisgarh).....(Owner Of Offending Vehicle), District : Bilaspur, Chhattisgarh

3 - Through Branch Manager, The New India Insurance Company Ltd. Second Floor Gurukripa Towers, Near Icici Bank, Vyapar Vihar Bilaspur District Bilaspur (Chhattisgarh).....(Insurance Company Offending Vehicle), District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellant	: Ms. Seema Singh, Advocate
For Respondent(s)	: Mrs. Swati Agrawal on behalf of Mr. Pankaj Agrawal, Advocate

MAC No. 394 of 2022

Branch Manager The New India Insurance (Correct Name Is Assurance) Company Limited, 2nd Floor, Gurukripa Towers, Nearby I.C.I.C.I. Bank Vyapar Vihar, Bilaspur, District - Bilaspur Chhattisgarh. (Insurer Of Vehicle Scorpio No. C.G.-10 Fa-1227)

---Appellant

Versus

1 - Ashok Dewangan S/o Late Shri Chiman Lal Dewangan Aged About 59 Years R/o Infront Of Rajkumar Painter, Karbala Road, Ward No. 25, Kashyap Colony, Bilaspur, District - Bilaspur Chhattisgarh.

2 - Rewti Dewangan W/o Shri Ashok Dewangan Aged About 52 Years R/o Infront Of Rajkumar Painter, Karbala Road, Ward No. 25, Kashyap Colony, Bilaspur, District - Bilaspur Chhattisgarh.

3 - Ku. Ruchi Dewangan D/o Shri Ashok Dewangan Aged About 24 Years R/o Infront Of Rajkumar Painter, Karbala Road, Ward No. 25, Kashyap Colony, Bilaspur, District - Bilaspur Chhattisgarh. (Claimants)

4 - Anand Singh Thakur S/o Shri Ashok Singh Thakur Aged About 19 Years R/o Diprapara, Jagmal Chowk, Behind Ice Factory, Police Station Kotwali, District - Bilaspur Chhattisgarh. (Driver Of Vehicle Scorpio No. C.G.-10-Fa-1227) (Non-Applicant No. 1)

5 - Devcharan Yadav S/o Late Shri Shiv Prasad Yadav Aged About 48 Years R/o Jagmal Chowk, Nearby Ice Factory, Police Station Kotwali, District - Bilaspur Chhattisgarh. (Owner Of Vehicle Scorpio No. Cg-10-Fa-1227) (Non-Applicant No. 2)

--- Respondent(s)

For Appellant : Mrs. Swati Agrawal on behalf of Mr. Pankaj Agrawal, Advocate

For Respondent(s) : Ms. Seema Singh, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

25/04/2026

1. These two appeals are arising out of the award dated 01.01.2022 passed in Claim Case No. 622/2018 by the Seventh Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) hence, they are being heard and decided by this common order.
2. MAC bearing no. 394 of 2022 was filed by the Insurance Company assailing the quantum of compensation whereas MAC bearing No. 543 of 2022 has been filed by the claimants for

enhancement of compensation. The parties are herein after referred to as the original status in the learned Tribunal.

3. Facts of the case are that the claim application under Section 166 of the Motor Vehicles Act, 1988 (for short "MV Act") has been filed by the claimants seeking compensation of Rs. 57,04,505/- on account of death of deceased Deepak Dewangan in accident that occurred on 23.02.2018 by rash and negligent driving of the offending vehicle Scorpio bearing registration no. CG-10-FA-1227 driven by respondent no. 1 and owned by respondent no. 2 and insured with the appellant/insurance company.
4. As per the pleadings of the claim application, deceased was aged about 19 years. He was working as an assistant carpenter in Bilaspur earning Rs. 25,000/- per month. Apart from this he used to run an auto also and supply milk earning Rs. 5000/- per month which totals to Rs. 40,000/- earned by him. Claim application was resisted by the Insurance company and the driver and owner proceeded ex-parte, however they have filed their written statement denying the averments of the claim application. Appellant/insurance company has filed their written statement denying the averments of the claim application and also pleaded violation of terms and conditions of the insurance policy. Learned Tribunal framed issues and decided the same in favour of the claimant and awarded Rs. 57,04,505/- as compensation.
5. Learned counsel for the insurance company submits that the deceased was bachelor instead of 1/2 deduction, the Tribunal

committed an error of 1/3rd deduction. Thus, suitable deduction be made.

6. Learned counsel for the claimants submits that income of the deceased has wrongly been assessed and proper deduction has been made. Thus, suitable compensation be granted.
7. Heard counsel for the parties and considered their rival submissions and perused the records.
8. The Insurance Company is praying for reduction of the compensation whereas the appellant is claiming enhancement of the compensation.
9. There is no dispute to the fact that the deceased was unmarried at the time of accident. In the case in hand, mother, father and unmarried sister has been shown as dependent on the income of the deceased. The Supreme Court has stated that when an unmarried person dies, 1/2 deduction ought to have been made and in case when the deceased have large number of siblings and all family members are dependent on the income of the deceased, 1/3rd deduction be made. In the case in hand, as per pleadings, there is an auto in the name of appellant no. 1. In light of judgment of Supreme Court in the case 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**, this Court is of the opinion that, instead of 1/3rd, the Tribunal ought to have deducted 1/2 personal expenditure for assessment of compensation.
10. The Tribunal found monthly of the deceased as Rs. 7,332/- however, in the opinion of this Court, it appears to be on lower side.

The deceased was a resident of Bilaspur (Class-A City). Thus, taking into consideration the nature of job; number of dependents; minimum wages prevalent at that point of time; date of accident; this Court is of the considered opinion that Rs. 9000/- can be safely taken as income of the deceased and thus, this Court propose to recompute the compensation.

11. It is settled principle of law that just compensation has to be awarded.

Compensation need not be a meager 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** (supra), **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors** (supra), this Court is recomputing the compensation as below:-

S.No.	Particulars	Awarded by this Court
1.	Monthly income of the deceased	Rs. 9000/-
2.	Future prospects @ 40%	Rs. 9000 x 40% = Rs. 3600/-
3.	Enhanced monthly income	Rs. 9000 + Rs. 3600/- = Rs. 12,600/-
4.	Annual income	Rs. 14,400 x 12= Rs. 1,51,200/-
5.	Personal expenditure (1/2)	Rs. 75,600/-
6.	Net Income	Rs. 75,600/-
7.	Multiplier of 18 applied to assess total loss of dependency	Rs. 75,600/- x 18 = Rs. 13,60,800/-
8.	Funeral expenses	Rs. 15,000/-
9.	Loss of estate	Rs. 15,000/-
10.	Filial consortium to appellants	Rs. 40,000/- x 3 = Rs. 1,20,000/-
11.	Medical expenses	Rs. 1,14,361/-

12.	Total compensation	Rs. 16,25,161/-
-----	--------------------	-----------------

12. The amount of compensation of Rs. 16,82,485/- awarded by the Tribunal is reduced to Rs. 16,25,161/-. Thus, there is a deduction of Rs. 57,324/- in the compensation. The claimants are held entitled to Rs. 16,25,161/- as compensation. Rest of the conditions of the award is remained intact.

13. For the forgoing reasons, both the appeals are allowed in part.

Sd/-

(Sachin Singh Rajput)

JUDGE

Madhurima