



2026:CGHC:20379

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 425 of 2026

1 - Ansh Mishra (Minor) S/o Late Dipak Mishra Aged About 2 Years Minor hence Earlier Impleaded Through His Natural Guardian Mother I.E. Appellant No. 1 Smt. Pratima Mishra Wd/o Late Dipak Mishra R/o G-06, Dairy Colony, Chhokara Nala, Krishak Nagar, P.S. Telibandha, Distt. Raipur (Chhattisgarh) (Claimant) District- Raipur, Chhattisgarh Now Imleaded Through His Grandfather Applicant No. 2 Shri Ram Lal Sharma (Mishra) As Legal Guardian.

2 - Ramlal Sharma (Mishra) S/o Late Ramavtar Sharma (Mishra) Aged About 59 Years R/o G-06, Dairy Colony, Chhokara Nala, Krishak Nagar, P.S.Telibandha, Distt. Raipur (Chhattisgarh) (Claimant), District - Raipur, Chhattisgarh

3 - (Deleted Smt. Siyadulari Sharma (Mishra)) As Per The Hon'ble Court Order Dated 13-04-2002 And 17-06-2022.

... Applicants.

versus

1 - Vijendra Gautam S/o Hanshlal Gautam R/o Gorakhpur, P.S. Barghat, Distt. Sivani (M.P.) Address No. 2 C/o Riyaz Khan S/o Ismail Khan, R/o Idgabhata, Near Pani Tanki, P.S. Azadchowk, Raipur, Tahsil And Distt. Raipur (Chhattisgarh) (Non Applicants Driver Of Vehicle No.Cg-07/e/5901), District - Raipur, Chhattisgarh

2 - Riyaz Khan S/o Ismail Khan R/o Idgabhata, Near Pani Tanki, P.S. Azadchowk, Raipur, Tah. And Distt. Raipur (Chhattisgarh) (Owner Of Vehicle No. Cg-07/e/5901), District - Raipur, Chhattisgarh

3 - Shri Ram General Insurance Co. Ltd. Through - Incharge Officer / Competent Officer, Shri Ram General Insurance Co.Ltd., Ivth Floor, Near Maruti Dealership, G.E.Road, Raipur, Tah. And Distt. Raipur (Chhattisgarh) (Insurer Of Vehicle No. Cg-07/e/5901), District - Raipur, Chhattisgarh

4 - Smt. Pratima Mishra W/o Amit Dwivedi @ Amitesh R/o C/o Shri Shrinivas Shukla Kabir Nagar, Sasine Lay-Out, Plot No.2B, Jaitada, Nagpur (Mh).

... Respondent(s)

For Applicants	:	Shri Amiyakant Tiwari, Advocate.
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For Respondent No.3: Shri Deepak Gupta, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

01/05/2026

1. The present MCC has been filed by the applicants seeking modification in order dated 19.02.2026 passed by this Court in MAC No.151 of 2018 ((Deleted) Smt. Pratima Mishra and Others vs. Vijendra Gautam and Others).
2. The applicants had filed MAC No.151 of 2018 before this Court being aggrieved by the award dated 22.07.2017 passed by the Second Additional Motor Accident Claims Tribunal to First Additional Motor Accident Claims Tribunal, District Raipur C.G. in Claims Case No.87/2015 whereby a total compensation of Rs.40,16,519/- was awarded to the claimants from the date of application till its realization fastening the liability upon the Respondent No.3. The applicants before this Court submitted that the compensation awarded to them by the Tribunal is on the lower side, as such, the compensation as awarded by the Tribunal may be suitably modified. After giving proper opportunity of hearing and after meticulous scrutiny of the facts and circumstances of the case, this Court disposed of the MAC No.151 of 2018 and recomputed the compensation in the following manner, paragraph 9 & 10 reads as under:-

9. In view of the above, this Court recomputes the compensation in the following manner:-

1	Monthly income of deceased (minimum wages)	—	Rs.16,661/-
2	Annual income	Rs.16,661/- × 12	Rs.1,99,932/-
3	Addition of 40% future prospects	Rs.1,99,932/- × 40%	Rs.79,973/-



4	Total annual income after future prospects	Rs.1,99,932/- + Rs.79,973/-	Rs.2,79,905/-
5	Deduction towards personal expenses (1/3)	Rs.2,79,905/- × 1/3	Rs.93,302/-
6	Annual loss of dependency	Rs.2,79,905/- – Rs.93,302/-	Rs.1,86,603/-
7	Multiplier (age 28 years)	Rs.1,86,603 × 17	Rs.31,72,251/-
8	Loss of estate	—	Rs.18,000/-
9	Funeral expenses	—	Rs.18,000/-
10	Consortium (Rs. 40,000 × 2 with 10% + 10% increase)	—	Rs.96,000/-
	Total Compensation		Rs.33,04,251/-

10. Accordingly, the appellants/claimants shall be entitled to a total compensation of Rs.33,04,251/- in place of Rs.40,16,519/-, along with interest as awarded by the learned Tribunal. Since the recomputed compensation is less than the amount awarded by the Tribunal, the excess amount, if any, already deposited by the Insurance Company pursuant to the impugned award shall be refunded to the Insurance Company along with accrued interest thereon, in accordance with law.

3. Learned counsel for the applicants submits that the deceased remained hospitalized from 28.09.2014 to 27.11.2014 and the Tribunal after considering the said aspect, awarded Rs.16,80,419/- as medical expenses to the claimants. However, this Court while passing the order dated 19.02.2026 has not added the amount of Rs.16,80,419/- as medical expenses while recomputing the compensation. Therefore, it is prayed that the amount of medical expenses as



awarded by the Tribunal may kindly be granted.

4. Upon a careful perusal of the record particularly the award dated 22.07.2017, particularly from paragraph 16 of the same, it is apparent that the deceased remained hospitalized from 28.09.2014 to 27.11.2014 for which Rs.16,80,419/- was determined by the Tribunal as medical expenses to the claimants, however, from the perusal of the record, it appears that medical expenses are not to the tune of Rs.16,80,419/-, the same is Rs.14,85,279/- (Rs.04,04,290/- + Rs.03,92,459/- + Rs.06,88,530/-) which has also been verified and ascertained by the concerned doctors in their evidence, as such, Rs.14,85,279/- is required to be added on the head of Medical Expenses.
5. Accordingly, this Court modifies the order dated 19.02.2026 to the extent that in the tabulated format of compensation, a new **Serial Number 11 i.e. Medical expenses of Rs.14,85,279/-** is added and the claimants are now entitled for a total compensation of **Rs.47,89,530/-** on the basis of tabulated format of compensation as prepared below:-

1	Monthly income of deceased (minimum wages)	—	Rs.16,661/-
2	Annual income	Rs.16,661/- × 12	Rs.1,99,932/-
3	Addition of 40% future prospects	Rs.1,99,932/- × 40%	Rs.79,973/-
4	Total annual income after future prospects	Rs.1,99,932/- + Rs.79,973/-	Rs.2,79,905/-
5	Deduction towards personal expenses (1/3)	Rs.2,79,905/- × 1/3	Rs.93,302/-



6	Annual loss of dependency	Rs.2,79,905/- - Rs.93,302/-	Rs.1,86,603/-
7	Multiplier (age 28 years)	Rs.1,86,603 × 17	Rs.31,72,251/-
8	Loss of estate	—	Rs.18,000/-
9	Funeral expenses	—	Rs.18,000/-
10	Consortium (Rs. 40,000 × 2 with 10% + 10% increase)	—	Rs.96,000/-
11	Medical Expenses	(Rs.04,04,290/-+ Rs.03,92,459/-+ Rs.06,88,530/-)	Rs.14,85,279/-
	Total Compensation		Rs.47,89,530/-

6. Accordingly, the applicants/claimants shall be entitled to a total compensation of **Rs.47,89,530/-** along with interest as awarded by the learned Tribunal.
7. In the result, paragraph No.9 & 10 of the order dated 19.02.2026 stand modified and substituted by paragraph No.4 and Tabulated chart made in paragraph 5 and paragraph 6 of this order.
8. It is made clear that order dated 19.02.2026 shall stand modified to the aforesaid extent only, and the aforesaid order shall otherwise remain intact.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash