



2026:CGHC:20992

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 882 of 2025

1 - Khemlal Paikara S/o Dalpat Ram Paikara Aged About 22 Years Resident Of Village Maheshpur (Patarapara), Out Post Latori, Police Station Jainagar, At Present Tahsil Latori (Previous Tahsil Surajpur), District Surajpur (C.G.)

2 - Dalpat Ram Paikara S/o Kalamsai Paikara Aged About 40 Years Resident Of Village Maheshpur (Patarapara), Out Post Latori, Police Station Jainagar, At Present Tahsil Latori (Previous Tahsil Surajpur), District Surajpur (C.G.)

... **Appellant(s)**

versus

1 - Rambha Kushwaha W/o Late Ashish Kumar Kushwaha @ Sonu Aged About 22 Years Resident Of Village Pakani, Out Post Chendra, Police Station Jhilmili, Tahsil Bhaiyathan, District Surajpur (C.G.)

2 - Yash Kushwaha S/o Late Ashish Kumar Kushwaha @ Sonu Aged About One And Half Years, Minor Through- His Natural Guardian Mother Rambha Kushwaha Wife Of Late Ashish Kumar Kushwaha @ Sonu, R/o Village Pakani, Out Post Chendra, Police Station Jhilmili, Tahsil Bhaiyathan, District Surajpur (C.G.)

3 - Ajay Kushwaha S/o Jagdish Kushwaha Aged About 49 Years Resident Of Village Pakani, Out Post Chendra, Police Station Jhilmili, Tahsil Bhaiyathan, District Surajpur (C.G.)

4 - Smt. Sushila Kushwaha W/o Ajay Kushwaha Aged About 46 Years Resident Of Village Pakani, Out Post Chendra, Police Station Jhilmili, Tahsil Bhaiyathan, District Surajpur (C.G.)

... **Respondent(s)**

For Appellants : Mr. Anil Kumar Gulati, Advocate

For Respondent No. 1 & 2 : Mr. Pavas Sharma, Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

05.05.2026

- 1) The present appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "MV Act") has been filed challenging the quantum

of award dated 20.01.2025 passed by the learned Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur (C.G.) in Claim Case No. 131/2021, whereby a sum of Rs. 15,69,400/- has been awarded as compensation in favour of the claimants along with interest @ 6% per annum on account of the death of deceased Ashish Kumar Kushwaha in a motor accident that occurred on 06.03.2020 due to rash and negligent driving of motorcycle bearing registration No. CG-15-DJ-4222 by appellant No. 1 (driver).

- 2) Brief facts of the case are that On 06.03.2020, the deceased was returning home from Salka along with his friend, Rakesh Kushwaha, riding as a pillion rider on Motorcycle bearing registration No. CG-15 DJ-6854. At about 6:30 PM, near village Karaunti Mod, the rider of another Motorcycle bearing registration No. CG-15 DG-4222, driving in a rash and negligent manner, dashed against the motorcycle of the deceased, thereby causing the accident. As a result of the said accident, the deceased sustained grievous injuries and became unconscious at the spot. He was immediately taken to Government Hospital, Bhaiyathan, where he succumbed to the injuries during the course of treatment. In connection with the said accident, an offence bearing Crime No. 12/2020 was registered at Police Station Jhilmili against the appellant No.1 under Sections 279, 337, and 304-A of the Indian Penal Code. Further, offences under Sections

3/181, 146/196, and 5/180 of the Motor Vehicles Act were also registered against the appellant No.2.

- 3) On 06.03.2020, the deceased was returning home from Salka along with his friend, Rakesh Kushwaha, riding as a pillion rider on Motorcycle bearing registration No. CG-15 DJ-6854. At about 6:30 PM, near village Karaunti Mod, the rider of another Motorcycle bearing registration No. CG-15 DG-4222, driving in a rash and negligent manner, dashed against the motorcycle of the deceased, thereby causing the accident.
- 4) As per the pleadings in the claim application filed under Section 166 of the MV Act, the deceased Ashish Kumar Kushwaha was aged about 26 years. The claimants, being the wife, his minor son and parents of the deceased, filed the claim application seeking compensation of Rs. 50,00,000/-.
- 5) The appellants (driver of the offending vehicle) filed its written statement and have denied the averments made in the claim petitions and contended that the appellant No. 1, while riding Motorcycle No. CG-15 DG-4222 at a slow speed with his friend Mahendra Paikra as a pillion rider, had stopped near Village Karaunti Mod on the side of the road, when the deceased, Ashish Kushwaha, riding Motorcycle No. CG-15 DJ-6854 in a rash and negligent manner along with his friend, dashed against the stationary motorcycle, resulting in grievous injuries to both parties; it is thus pleaded that the accident occurred due to the negligence of the deceased, and as per the criminal record indicating a head-

on collision between two motorcycles, both riders were guilty of contributory negligence, rendering the claim petitions liable to be dismissed.

- 6) On the basis of the pleadings, the learned Tribunal framed issues and, upon appreciation of the evidence on record, decided the case in favour of the claimants and awarded compensation of Rs. 15,69,400/-.
- 7) Learned counsel for the appellants submits that the learned MACT has erred in law and on facts in failing to appreciate that the accident in question was a case of head-on collision between two motorcycles, thereby clearly attracting the principle of contributory negligence; however, despite specific pleadings that the deceased was driving in a rash and negligent manner and that Appellant No.1 had also sustained injuries, the learned Tribunal has wrongly fastened entire liability upon the appellants, rendering the impugned finding unsustainable and liable to be set aside. It is further submitted that the learned learned Tribunal has assessed the income of the deceased at Rs.7,000/- per month without any cogent evidence on record, resulting in an excessive and arbitrary computation of compensation, and thus, the award being on the higher side deserves to be suitably reduced.
- 8) Per contra, learned counsel for respondents No. 1 & 2 supports the impugned award and submits that the compensation awarded by the learned Tribunal is just, proper, and does not warrant any interference by this Court.

- 9) Heard learned counsel for the parties, considered their rival submissions, and perused the record.
- 10) The deceased, Ashish Kumar Kushwaha, was aged about 26 years at the time of the accident. The learned Tribunal assessed the monthly income of the deceased at Rs. 7,000/- in the absence of documentary evidence. After adding 40% towards future prospects, the monthly income was enhanced to Rs. 9,800/-, and the annual income was calculated at Rs. 1,17,600/-. After deducting 1/4th towards personal and living expenses, the annual contribution to the family was assessed at Rs. 88,200/-. By applying the multiplier of 17, the loss of dependency was calculated at Rs. 14,99,400/-. Thereafter, a sum of Rs. 70,000/- was awarded under conventional heads. Accordingly, the total compensation was determined at Rs. 15,69,400/-.
- 11) The principal contention raised by learned counsel for the appellants is that the compensation awarded by the learned Tribunal is on the higher side, particularly on account of the assessment of income and therefore, the same deserves to be suitably reduced. This Court, however, is not inclined to accept the said submission.
- 12) In the considered opinion of this Court, it is well settled that compensation awarded under the Motor Vehicles Act must be just, fair, and reasonable, and should neither be arbitrary nor excessive. In the present case, the learned Tribunal has assessed the income of the deceased, keeping in view the prevailing circumstances, and

has applied the principles laid down by the Hon'ble Supreme Court in *Pranay Sethi* and *Sarla Verma*. The compensation of Rs. 15,69,400/- awarded to the claimants, having regard to the facts and circumstances of the case, cannot be said to be excessive or unjustified. This Court, therefore, finds no infirmity in the findings recorded by the learned Tribunal

13) Accordingly, the appeal being devoid of merit is liable to be and is hereby dismissed.

14) All pending applications, if any, stand disposed of.

Sd/-

(Sachin Singh Rajput)
Judge

Jyoti