



2026:CGHC:15404

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 737 of 2023

1 - Smt. Barkha Jha W/o Bhupendra Kumar Jha Aged About 50 Years R/o - Manjhapara, Kanker, Tahsil - Kanker, District - North Baster Kanker (Chhattisgarh)

2 - Bhupendra Kumar Jha S/o Vinod Jha Aged About 58 Years R/o - Manjhapara, Kanker, Tahsil - Kanker, District - North Baster Kanker (Chhattisgarh)

... Appellants

versus

1 - Ram Prakash Sinha S/o Doman Lal Sinha, Aged About 25 Years R/o - Village Khairvahi, Thana - Daondi Lohara, District - Balod Chhattisgarh (Driver Of The Offending Vehicle Scorpio No. C.G. 24/j./8273). (Driver)

2 - Dilip Kumar Yadav S/o Noharu Ram Yadav, R/o - Ward No. 03, Daondi Lohara, District - Balod Chhattisgarh (Owner Of The Offending Vehicle Scorpio No. C.G. 24/j./8273). (Owner)

3 - The National Insurance Company Limited Branch Office, 2nd Floor Hall No. 01 B. Commercial Complex New Bus Stand Rajnandgaon District - Rajnandgaon Chhattisgarh (Insurer Of The Offending Vehicle Scorpio No. C.G. 24/j./8273). (Insurer)

... Respondent(s)

For Appellants	:	Mr. Arjun Lal Singroul with Ms. Shalini Jangde, Advcoate
For Respondent No. 3	:	Mr. Sanjay Patel, Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

02.04.2026

- 1) This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "MV Act") has been preferred by the appellants/claimants, being aggrieved by the award dated 20.12.2022 passed by the Motor Accident Claims Tribunal (for short learned Tribunal), North Baster Kanker, District- Kanker (C.G.) in MACT Case No. 81/2021.

- 2) By the impugned award, the learned Tribunal has awarded compensation of Rs.19,18,996/- to the appellants/claimants on account of the death of deceased/Pranjal Jha in a motor accident that occurred on 20.06.2021 due to the rash and negligent driving of the offending vehicle (Scorpio) bearing Registration No. CG-24-J-8273, driven by respondent No. 1, owned by respondent No. 2 and insured with respondent No. 3.
- 3) As per the pleadings in the claim application filed under Section 166 of the Motor Vehicles Act, the deceased, Pranjal Jha, was riding a motorcycle and returning home from Manjhapara to Govindpur on National Highway No. 30. When he reached near Matoshree Hardware, Govindpur, respondent No. 1 drove the offending vehicle rashly and negligently dashed to the Motorcycle resulting into severe injuries to the deceased. He was admitted in various hospital and during the course of treatment he passed away. Thus, the above stated compensation was claimed.
- 4) Respondent Nos. 1 and 2/driver and owner filed their written statements denying the averments made in the claim application. Respondent No. 3 (Insurance Company) in the usual course, also denied the averments and further pleaded that the driver of the offending vehicle did not possess a valid and effective driving licence, and that there was a breach of the terms and conditions of the insurance policy.
- 5) On the basis of the aforesaid pleadings, the learned Tribunal framed five issues and, after appreciating the material available on record, decided the same in favour of the appellants/claimants and awarded the aforesaid compensation.
- 6) Learned counsel for the appellants/claimants submits that the deceased was about 27 years of age and was working as a reporter in a news channel,

earning approximately Rs.30,000/- per month. However, the learned Tribunal assessed the monthly income of the deceased at Rs.13,790/-. It is further submitted that the treatment expenses have not been adequately considered. Hence, it is prayed that suitable enhancement be made by this Court.

- 7) Per contra, learned counsel for respondent No. 3/Insurance Company supports the impugned award and submits that just and reasonable compensation has been awarded by the learned Tribunal.
- 8) I have heard learned counsel for the parties and perused the record.
- 9) The learned Tribunal assessed the monthly income of the deceased at Rs.9,850/- on the basis of the evidence on record. As per the pleadings, the deceased was engaged in an advertisement agency and also worked as a freelance reporter. A document indicating an income of Rs.8,000/- from advertisement work was placed on record. After appreciation of the evidence, the Tribunal determined the aforesaid monthly income which in the opinion of this Court does not appear to be on the lower side and is accordingly upheld. The Tribunal further added 40% towards future prospects and after deducting one-half towards personal expenses, applied a multiplier of 17. Compensation under the heads of loss of estate, funeral expenses, and loss of consortium was also awarded. The medical expenses amounting to Rs.4,35,416/-, as awarded by the learned Tribunal are based on the medical records placed on record and do not warrant interference.
- 10) However, the Tribunal has awarded only Rs.44,000/- towards consortium to the parents. In the opinion of this Court, an additional amount of Rs.44,000/- ought to be awarded towards filial consortium. Accordingly, the impugned award is modified to the extent that in addition to the compensation awarded

by the learned Tribunal, the appellants/claimants shall be entitled to a further sum of Rs.44,000/- towards filial consortium.

11) The said amount shall be paid by respondent No. 3/Insurance Company within a period of 60 days from the date of receipt of a certified copy of this order, failing which the said amount shall carry interest at the rate of 6% per annum from the date of this order.

12) Accordingly, the appeal is partly allowed.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari