



2026:CGHC:13278



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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 599 of 2022**

1. Smt. Radhika Kanwar W/o Late Ramendra Kanwar, aged about 37 years R/o Village Nawagaon, Police Station and Tahsil Kurud, District - Dhamtari Chhattisgarh
2. Chumman Kanwar S/o Late Ramendra Kanwar, aged about 17 years Minor, Through Natural Guardian Mother Radhika Kanwar W/o Late Ramendra Kanwar, aged about 37 Years. R/o Village Nawagaon, Police Station and Tahsil Kurud, District - Dhamtari Chhattisgarh
3. Malikram Kanwar S/o Late Ramendra Kanwar, aged about 15 years Minor, Through Natural Guardian Mother Radhika Kanwar W/o Late Ramendra Kanwar, aged about 37 Years. R/o Village Nawagaon, Police Station and Tahsil Kurud, District - Dhamtari Chhattisgarh
- 4 - Yogita Kanwar D/o Late Ramendra Kanwar aged about 11 years Minor, Through Natural Guardian Mother Radhika Kanwar W/o Late Ramendra Kanwar, aged about 37 years. R/o Village Nawagaon, Police Station and Tahsil Kurud, District - Dhamtari Chhattisgarh
- 5 - Smt. Puniya Bai Wd/o Late Ghuraoram, aged about 63 years R/o Village Nawagaon, Police Station And Tahsil Kurud, District - Dhamtari Chhattisgarh

... Appellants**versus**

1. Subhash Sahu S/o Radheshyam Sahu Aged About 52 Years R/o Village Banroud, Police Station Keregaon, Tahsil Nagri,, District : Dhamtari, Chhattisgarh



2. Laxman Sahu S/o Loknath Sahu Aged About 28 Years R/o Village Hardipara Gona Mandibeda Bavrangpur, Police Station Raighar, (Owner Of Offending Vehicle), District : Nabarangapur, Orissa

3. Magma H.D.I. General Insurance Company Limited, Address - Office No. 501 And 509-512, 5th Floor D.B. City Corporate Park Plot No. 01, Block No. 9, Rajbandha Maidan Raipur (Insurer Of Offending Veshicle), District : Raipur, Chhattisgarh

... Respondents

For appellants : Shri Anil Gulati, Advocate
For Respondent No.3 : Ms. Shristi Atal, Advocate on behalf of Shri Vaibhav Shukla, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

19/03/2026

This appeal arises out of the award dated 07.03.2022 passed by Additional Motor Accident Claims Tribunal, Link Court (for short the "Tribunal") Kurud, District Dhamtari in Claim Case No. 47/2021 awarding a compensation of Rs. 10,89,500/- in favour of the appellants/claimants.

2. Facts of the case in brief are that on 07.12.2020 the deceased namely Ramendra Kanwar was going to his village Nawagaon and when he reached near Bajrangbali Mandir, respondent No.1 driving the pickup bearing registration No. OD – 24-E-6883 in a rash and negligent manner dashed him causing injuries on his body which eventually resulted in his on-the-spot death. Criminal case for the offence under Section 304-A IPC was registered against the driver of the offending vehicle and after investigation charge sheet was also filed.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 20,00,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs.



10,89,500/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Counsel for the appellants submits that the assessment of the income of the deceased is on the lower side and needs enhancement. He submits that though the deceased being a driver was earning Rs. 10,000/- per month, the Tribunal has taken it at Rs. 7,500/- and thus committed an illegality in so doing. Same, according to him, is the position with the amount awarded on other heads also, and being so the compensation awarded is required to be enhanced.

6. On the other hand, counsel for the respondent No.3/Insurance Company supports the award impugned and submits that the compensation awarded on all the heads is fully justified and the claimants are not entitled for any further enhancement in same.

7. Heard counsel for the parties and perused the documents on record.

8. From the pleadings of the respective parties and the overall evidence on record it is clear that the accident occurred with the offending vehicle which was insured with respondent No.3 and was being driven by respondent No. 1. From the pleadings it is apparent that the deceased at the relevant time was aged about 40 years and was working as a mason. Learned Tribunal took the monthly income of the deceased at Rs. 7,500/- which in the considered opinion of this Court appears to be inappropriate. Since the deceased was a driver by profession, monthly income of the deceased is taken at Rs. 09,000/- and annual at Rs. 1,08,000/-.

9. In the light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi** reported in (2017) 16 SCC 680, **Sarla Verma and others v. Delhi Transport Corporation and others** reported in (2009) 6 SCC 121 and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others** reported in (2018) 18 SCC 130, this Court recomputes the compensation in the following manner:-

S.No.	Particulars	Amount (Rs.)
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1.	Annual income	1,08,000
2.	Income with 25% future prospects	1,35,000
3.	Income after deduction towards personal and living expenses of the deceased (Rs.1,35,000 / 4 = Rs.33,750)	1,01,250
4.	Loss of dependency after application of multiplier (Rs.1,01,250 x 15 = Rs.	15,18,750
5.	Funeral expenses	16,500
6.	Loss of Estate	16,500
7.	Spousal consortium	44,000
8.	Filial and parental consortium	1,60,000
Total compensation =		17,55,750
(-) Compensation already awarded by the Claims Tribunal =		10,98,500
Enhanced compensation =		6,57,250

10. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs. 6,57,250. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till realisation of the enhanced compensation. Out of the enhanced amount of compensation, a sum of Rs. 1,00,000 each shall be deposited in the names of appellants No. 2 to 4 and Rs. 50,000/- in the name of appellant No.5, in a nationalised bank for a period of 3 years. Likewise, an amount of Rs. 2,50,000/- shall be deposited in the name of appellant No.1 in the same bank for the same period. Remaining amount shall be paid to appellant No.1. Respondent No.3/insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of a copy of this order.

11. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
Judge