2026:CGHC:20542

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

## MAC No. 925 of 2019

*{Arising out of award dated 30-3-2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.203/2017}*

Future General Insurance Company Limited, Through its Legal Manager, Shop No.3, II Floor, Maruti Business Park, G.E. Road, Raipur, Tahsil & District Raipur, Chhattisgarh.

**... Appellant**

**versus**

1. Leelaram Sahu, S/o Puranlal Sahu, aged 49 years,
2. Lachhanbai Sahu, W/o Leelaram Sahu, aged 48 years,
3. Manoj Kumar, S/o Leelaram, aged 18 years,

All are R/o Village Jaroundha, Barplipara, P.S. & Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

(Claimants)

4. Hemlal Sahu, S/o Maniram Sahu, aged 32 years, R/o Durga Nagar, Pandri, P.S. Mova (Pandri), Tahsil & District Raipur, Chhattisgarh.

(Driver)

5. Rajendra Kumar Thakur, S/o Devendra Kumar Thakur, aged 60 years, R/o 24/737, Street No.5, Ashok Vihar Colony, Sarswati Dal Mill, Pandri, P.S. Mova (Pindri), District Raipur, Chhattisgarh.

(Owner)

6. Dalip Kumar Ferwani, S/o Gopichand Ferwani, aged 55 years, R/o H 204, Ashoka Heights, Mova, P.S. Mova (Pandri), Tahsil & District Raipur, Chhattisgarh.

(Possession holder of the vehicle)

**... Respondents**

| | | |
|---|---|---|
| For Appellant | : | Mr. Saurabh Gupta and Ms. Harneet Kaur, Advocates on behalf of Mr. Sourabh Sharma, Advocate. |
| For Respondents No.1 to 3 | : | Mr. Arjun Lal Singroul, Advocate. |

**Single Bench:-**
**Hon'ble Shri Justice Sanjay K. Agrawal**

**Judgment on Board**

**01/05/2026**

1. The appellant herein/Insurance Company has preferred this appeal against the impugned award dated 30-3-2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.203/2017, by which a compensation of ₹ 6,72,600/- has been awarded to the claimants/respondents No.1 to 3 herein by fastening liability upon the appellant herein/Insurance Company.

2. Mr. Saurabh Gupta, learned counsel appearing on behalf of the appellant herein/Insurance Company, would submit that on the date of accident, the offending vehicle was validly insured, but the previous policy was the fake policy, therefore, liability could not be fastened upon the Insurance Company.

3. Mr. Arjun Lal Singroul, learned counsel appearing on behalf of the claimants/respondents No.1 to 3 herein, would oppose the appeal and submit that the vehicle was duly insured on the date of incident and just and proper compensation has not been awarded.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.

5. With regard to fake policy, the Claims Tribunal has clearly recorded a finding that on the date of incident, the offending vehicle was duly insured vide Ex.P-4 and no evidence has been recorded to demonstrate that the policy issued by the other Insurance Company for the previous year was fake. As such, the Claims Tribunal has rightly fastened liability upon the appellant herein/Insurance Company and accordingly, the present appeal has no merit and it is hereby dismissed.

**Cross-Objection**

6. In the present case, the learned Claims Tribunal has assessed the monthly income of deceased Shrawan Kumar to be ₹ 4,500/-, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the Office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be ₹ 6,000/- (as per minimum wages prescribed at relevant time).

7. Thus, considering the evidence available on record and that the deceased was working as a Colour Operator in a Sari factory, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi**[1], **Sarla Verma & Ors. v. Delhi Transport Corporation & Ors**[2] and **Magma General**

[1] (2017) 16 SCC 680
[2] (2009) 6 SCC 121

**Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

| S. No. | Heads | Compensation awarded by the Tribunal | Compensation awarded by this Court/New Calculation |
|---|---|---|---|
| 1. | Income | ₹ 4,500/- per month. Yearly Income = ₹ 4,500 x 12 = ₹ 54,000/-. | ₹ 6,000/- per month. Yearly Income = ₹ 6,000 x 12 = ₹ 72,000/-. |
| 2. | Future Prospect | (+) 40% i.e. ₹ 21,600; total yearly income = ₹ 54,000 + 21,600 = ₹ 75,600/-. | (+) 40% i.e. ₹ 28,800; total yearly income = ₹ 72,000 + 28,800 = ₹ 1,00,800/-. |
| 3. | Deduction | (-) ½ = ₹ 37,800/- ₹ 75,600 – 37,800 = ₹ 37,800/- | (-) ½ = ₹ 50,400/- ₹ 1,00,800 – 50,400 = ₹ 50,400/- |
| 4. | Multiplier | (x) 17 = ₹ 6,42,600/- | (x) 17 = ₹ 8,56,800/- |
| 5. | Loss of Estate | ₹ 15,000/- | ₹ 15,000/- |
| 6. | Funeral Expenses | ₹ 15,000/- | ₹ 15,000/- |
| 7. | Loss of Consortium | NIL | ₹ 40,000/- x 3 = ₹ 1,20,000/- |
| | **Total** | **₹ 6,72,600/-** | **₹ 10,06,800/-** |

8. In view of the aforesaid analysis, the amount of compensation of **₹ 6,72,600/-** awarded by the Claims Tribunal is enhanced to **₹ 10,06,800/-**. Hence, after deducting the amount of **₹ 6,72,600/-**, the claimants are held entitled for an additional amount of **₹ 3,34,200/-**. The concerned party as directed by the Claims Tribunal is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of a copy of this order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim

[3] (2018) 18 SCC 130

application before the Tribunal i.e. 7-4-2017 till its realisation. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, the Cross-Objection stands finally disposed of and the appeal stands dismissed.

Sd/-
(Sanjay K. Agrawal)
**Judge**

Soma