2026:CGHC:23174

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 930 of 2020

1 - Koushalya Dewangan D/o Ram Prasad Dewangan, Aged About 30 Years R/o Shiv Mandir Chowk, Patharamuda, Civil Lines, Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

2 - Padma Dewangan D/o Ram Prasad Dewangan, Aged About 27 Years R/o Shiv Mandir Chowk, Patharamuda, Civil Lines, Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

--- **Appellants**

Versus

1 - Ganesh Manikpuri S/o Sunder Nath Manikpuri, Aged About 43 Years R/o Village Borpadar, Patelpara, Post Kachnar, Police Station Kotwali, District Bastar Chhattisgarh. (Driver), District : Bastar(Jagdalpur), Chhattisgarh

2 - Bhikamchand Dulhani S/o M.R. Dulhani, Aged About 40 Years Occupation Transporting (Truck Owner), R/o Green City, Dharampura No. 1, Jagdalpur, District Bastar Chhattisgarh. (Owner),, District : Bastar(Jagdalpur), Chhattisgarh

3 - The Oriental Insurance Company Limited, Branch Manager, Branch Office, Hotel Laxman Avenue, Murti Line, Jagdalpur, District Bastar Chhattisgarh. (Insurer), District : Bastar(Jagdalpur), Chhattisgarh

--- **Respondents**

WITH

MAC No. 1041 of 2020

1 - The Oriental Insurance Company Limited Branch Manager , Branch Office , Hotel Laxman Avenue, Murtiline, Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---**Appellant**

Versus

1 - Kaushlya Dewangan D/o Ramprasad Dewangan Aged About 30 Years R/o Shivmandir Chowk, Pathraguda, Civil Line Jagdalpur , District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

2 - Padma Dewangan D/o Ramprasad Dewangan Aged About 27 Years R/o Shivmandir Chowk , Pathraguda, Civil Line Jagdalpur , District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

3 - Ganesh Manikpuri S/o Sundrnath Manikpuri Aged About 43 Years R/o Village Borpadar , Patelpara, Post Kachnar, Police Station Kotwali, District Bastar Chhattisgarh. (Driver Of Vehicle), District : Bastar(Jagdalpur), Chhattisgarh

4 - Bhikamchand Dulhani S/o M.R. Dulhani Aged About 40 Years Occupation Transporting (Owner F Truck), R/o Green City, Dharampura No. 01, Jagdalpur , District Bastar Chhattisgarh. (Owner Of Vehicle), District : Bastar(Jagdalpur), Chhattisgarh

--- **Respondents**

[Cause-title taken from Case Information System (CIS)]

For Claimants	:	Mr. Praveen K. Dhurandhar, Advocate
For Insurance Company	:	Mr. Raj Awasthi, Advocate

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

(Order on Board)

15.05.2026

1. Regard being had to the similitude of the question of the facts and law involved and being arising out of a common award, on the joint request of learned counsel for the parties, both these appeals are clubbed together, heard together and being disposed of by this common order.

2. **MAC-930-2020** has been filed under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") by the Claimants seeking enhancement of amount of compensation, challenging the impugned award dt. 23.01.2020, whereby learned Claims Tribunal has awarded a total sum of Rs.14,47,221/- as compensation for the death of Manoj Dewangan, who died in a road accident took place on 19.01.2018. Whereas, **MAC-1041-2020** has also been filed under Section 173 of the Act of 1988 by the Insurance Company, challenging the same awarded dt. 23.01.2020, whereby liability to pay compensation to the claimants has been fastened upon them.

3. Learned counsel for the Claimants would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in assessing income of deceased as Rs.8000/- per month which should be Rs.10000/- as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Even, 40% amount has only been taken towards future prospect, whereas it ought to have been 50% and, on the heads of loss of estate and funeral expenses, less amount has been awarded. Therefore, the appeal of the Claimant be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. On the other hand, learned counsel for the Insurance Company would submit that in the present case accident occurred on 19.01.2018, whereas FIR to that effect was lodged after 10 months that too against unknown person and, as such, the involvement of the vehicle in question is doubtful. Further, the learned Claims Tribunal has erred in rejecting the application of the insurance company for re-examination of the Investigating Officer. Therefore, the Insurance Company is not liable to pay the amount of compensation. Thus, the impugned award is liable to be set aside.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

<u>Appeal of the Insurance Company</u>:

6. In order to consider the plea raised at the bar, it would be appropriate to notice the decision of the Supreme Court rendered in the matter of **<u>Ravi v. Badrinarayan and others</u>**[1], whereby their Lordships have clearly held that delay in lodging the FIR cannot be a ground to doubt the claimant's case and observed in Para-17 & 19 as under:

> "**17.** It is well settled that delay in lodging the FIR cannot be a ground to doubt the claimant's case. Knowing the Indian conditions as they are, we cannot expect a common man to first rush to the police station immediately after an accident. Human nature and family responsibilities occupy the mind of kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the police station. Under such circumstances, they are not expected to act mechanically with promptitude in lodging the FIR with the police. Delay in lodging the FIR thus, cannot be the ground to deny justice to the victim.
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> **19.** Lodging of FIR certainly proves the factum of accident so that the victim is able to lodge a case for compensation but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reasons for it. There could be a variety of reasons in genuine cases for delayed lodgement of FIR. Unless kith and kin of the victim are able to regain a certain level of tranquillity of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. In such circumstances, the authenticity of the FIR assumes much more significance than delay in lodging thereof

1 (2011) 4 SCC 493

supported by cogent reasons."

7. In view of above settled legal position, delay in lodging the FIR cannot be taken as a ground to reject the claimant's case more particularly when the learned Claims Tribunal after full-fledged trial has found that the vehicle in question i.e. Truck bearing No.CG-21-H-0771 involved in the accident on the date of occurrence and, due to which, the deceased suffered injuries and died. As such, the ground of delay in lodging the FIR is hereby rejected. So far as, the ground taken by the Insurance Company that the Claims Tribunal has erred in rejecting their application for re-examination of IO is concerned, a careful perusal of the order-sheet dt. 15.11.2019, whereby the said application was rejected, would show that the learned Claims Tribunal upon finding that the said documents were of criminal case and charge-sheet has already been filed, did not find it expedient to allow the said application. The said finding of the learned Claims Tribunal is correct finding of fact based on evidence and I do not find any illegality in it. As such, this ground is also liable to be and is hereby rejected.

8. Accordingly, learned Claims Tribunal has rightly fastened the liability to pay compensation upon the Insurance Company. I do not find any illegality or perversity in the said finding of the Claims Tribunal. Accordingly, the appeal of the Insurance Company is liable to be dismissed.

<u>Appeal of the Claimants:</u>

9. In the present case, the learned Claims Tribunal assessed the monthly income of deceased to be Rs.8000/-, 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 Rs.1000/- PM (as per minimum wages prescribed at relevant time). Even on the head of loss of estate and funeral expenses less amount has been awarded, which ought to have been Rs.18,000/- each and further instead of 40% amount on the head of future prospect 50% amount ought to have been taken.

10. Thus, 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**[2], **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[3] and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[4], this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	Rs.8000/- x 12 = Rs.96,000/-	Rs.10000/- x 12 = Rs.1,20,000/-
2	Future Prospect	(+) 40% (i.e. Rs.38,400/-) = Rs.1,34,400/-	(+) 50% (i.e. Rs.60,000/-) = Rs.1,80,000/-
3.	Deduction	(-) 1/2 = Rs. 67,000/-	(-) 1/2 = Rs.90,000/-
4.	Multiplier	(x) 17 = Rs.11,42,400/-	(x) 17 = Rs.15,30,000/-
5.	Loss of Estate	Rs.15,000/-	Rs.18,000/-

2 (2017) 16 SCC 680
3 (2009) 6 SCC 121
4 (2018) 18 SCC 130

6.	Funeral Expenses	Rs.15,000/-	Rs.18,000/-
7.	Medical Bills	Rs.2,74,821/-	Rs.2,74,821/-
	Total	**Rs.14,47,221/-**	**Rs.18,40,821/-**

11. In view of the aforesaid analysis, the amount of compensation of Rs.14,47,221/- awarded by the Claims Tribunal is enhanced to Rs.18,40,821/-. Hence, after deducting the amount of Rs.14,47,221/-, the appellants are held entitled for an additional amount of **Rs.3,93,600/-**. The concerned respondent 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 copy of this order. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

12. Accordingly, the appeal filed by the claimants i.e. **MAC-930-2020** is **allowed** and the appeal filed by the Insurance Company i.e. **MAC-1041-2020** is **dismissed** and the impugned award is modified to the extent as indicated herein-above.

sd/-
(Sanjay K. Agrawal)
Judge

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