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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1017 of 2025

1 - Phulmani Baghel W/o Ajeet Kumar Aged About 49 Years R/o Kududand, Bilaspur, P.S. - Civil Line, Tah. and District - Bilaspur (C.G.), (Claimant).

2 - Ajeet Kumar S/o Sigan Ram Baghel Aged About 51 Years R/o Kududand, Bilaspur, P.S. - Civil Line, Tah. and District - Bilaspur (C.G.).

3 - Yogesh Kumar Baghel S/o Ajeet Kumar Aged About 23 Years R/o Kududand, Bilaspur, P.S. - Civil Line, Tah. and District - Bilaspur (C.G.)

... **Appellants**

versus

1 - Jai Balaji Bus Service Pro. Vijay Kumar Gupta S/o B. P. Gupta, R/o House No.-623, Premkunj Jai Balaji, Main Road, Tapkara, District - Jashpur (C.G.), (**Owner** of Vehicle Jai Balaji Bus Service No. J.H. 14 G.- 0170).

2 - United India Insurance Company Ltd. Through Division Manager, United India Insurance Company Ltd., Division Office - Above L.I.C. Office, Magar Para Chowk, Bilaspur, P.S. - Civil Line, Tah. And Dist. - Bilaspur (C.G.), (**Insurer** of Vehicle Jai Balaji Bus Service No. J.H. 14 G.- 0170).

3 - Tasleem Sai S/o Khandu Sahu Aged About 45 Years R/o Kakariya, P.S. - Lapung, District - Ranchi (Jharkhand), (**Driver** of Vehicle Jai Balaji Bus Service No. J.H. 14 G.- 0170)

... **Respondent**

For the appellant : Mr. Sajal Kumar Gupta, Advocate

For Respondent No.2 : Mr. Dashrath Gupta, Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Judgment on Board**31/07/2026**

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed by claimants seeking enhancement and challenging the award dated 05.02.2025 passed by the First Additional Motor Accident Claims Tribunal, Bilaspur (Chhattisgarh) in Claim Case No. 1229/2023 whereby a total compensation of Rs.16,58,952/- has been granted for death of the deceased.
2. Brief facts of the case are that the deceased Lokesh Kumar died in a motor accident took place on 06.08.2023 due to rash and negligent driving of respondent no.1. Appellants 1 & 2 are parents and appellant no.3 is brother of deceased. They being legal heirs of deceased filed claim application u/s 166 of MVA seeking a total compensation of Rs. 55 lakhs on various heads.
3. Learned counsel for the appellants submits that the income taken by the Tribunal and the amounts granted under the other heads are on lower side, thereby, just compensation has not been granted. He prays that the award be suitably enhanced.
4. Learned counsel for respondent no.2/Insurer submits that the Tribunal has passed the just award which needs no interference.
5. Heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.
6. The claimants pleaded that the deceased was earning Rs.18,000/- by conducting tuitions. In absence of any admissible and clinching evidence regarding income of deceased, the monthly income taken by the Tribunal i.e. Rs. 9960/- as per the Minimum Wages Act cannot be said to be on lower side. Since the deceased was found to be bachelor of 21 years of age and

there are 3 dependents, following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted ½ (one-half) towards personal expenses and applied multiplier 18 which cannot be said to be on lower side. Thus the Tribunal has worked out the total loss of dependency to be Rs.15,05,952/- which needs no interference. Further more, under the other conventional heads, in all Rs. 1,53,000/- has been granted which seems to be slightly on lower side in view of the formula of 10% automatic enhancement laid down by Supreme Court.

7. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Total loss of dependency	Rs. 9,960 X 12 = 1,19,520/- = plus Future Prospectus-40% i.e., 47,808/- = 1,67,328/- minus ½ (one-half) deduction of personal expenses i.e., 83,664 = 83,664/- x multiplier 18 = 15,05,952/-	15,05,952/- (unchanged)
2.	Loss of estate	16,500/-	18,000/-
3.	Funeral expenses	16,500/-	18,000/-
4.	Loss of consortium or loss of love and affection	(40000 x 3) 1,20,000/-	(48000 x 3) 1,44,000/-

	Total	Rs	16,58,952/-
			16,85,952/-

8. In view of the aforesaid analysis, the amount of compensation of **Rs. 16,58,952/-** awarded by the Claims Tribunal is enhanced to **Rs 16,85,952/-**. Hence, after deducting the amount of **Rs.16,58,952/-** the appellants held entitled for an additional sum of **Rs.27,000/-** The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is allowed in part and the impugned award is modified to the extent as indicated here-in-above.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao