



2026:CGHC:3628



2026:CGHC:3628

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 658 of 2022

- The Oriental Insurance Co Ltd Through Branch Manager, Branch Office M.B.Trade, Near Nagar Ghadi Chowk, Dhamtari, District Dhamtari Chhattisgarh Through T.P. Hub Divisional Office, Oriental Insurance Co. Ltd. First Floor Rama Trade Centre Opposite Rajeev Plaza Old Bus Stand Road Tahsil And District Bilaspur Chhattisgarh (Insurance Co.).

... Appellant

versus

- Maniram Kunjam S/o Chamaru Ram Kunjam Aged About 49 Years R/o Village Sonpur Post Budeli P.S. Narharpur Tahsil Narharpur, District North Bastar Kanker Chhattisgarh.
- Smt. Jaybati Kunjam W/o Maniram Kunjam Aged About 48 Years R/o Village Sonpur Post Budeli P.S. Narharpur Tahsil Narharpur, District North Bastar Kanker Chhattisgarh (Claimants).
- Lalit Sahu S/o Prabhuram Sahu Aged About 21 Years R/o Village Tarsiva P.S. Arjuni District Dhamtari Chhattisgarh (Driver)(Deleted as per Hon'ble Court order dated 18.09.2025)
- Suresh Kumar Dewangan S/o Chandrahas Dewangan R/o Purana Naka Road Sorid Nagar Ward No. 19 Dhamtari District Dhamtari Chhattisgarh. (Owner)

...

Respondent(s)

For Appellant/Insurance Company	: Mr. P.K. Tulsyan, Advocate
For Respondents No. 1 & 2	: Mr. Praveen Dhurandhar, Advocate
For Respondent No. 4	: Mr. A.L. Singroul, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

21.01.2026

- The appellant/Insurance Company has preferred this appeal challenging the liability part assailing the award passed by the learned Motor Accident Claims Tribunal, North Bastar Kanker in Claim Case No. 10/2021 dated 10.03.2022, whereby the learned Tribunal granted compensation to the



tune of Rs. 9,33,800/- with interest at the rate of 6% per annum on account of death of Balram Kunjam.

2. The claimants/respondents No. 1 and 2 have filed cross-objection under Order 41 Rule 22 of CPC for enhancement of compensation.
3. The facts in brief are that on 25.09.2020 at around 5:15 pm the motorcycle of the deceased was dashed by the Pick-up bearing registration No. CG 05 AE 3584. In said accident, Balram Kunjam sustained injuries and succumbed to death. The claimants, who are parents of the deceased filed claim case under Section 166 of Motor Vehicle Act, wherein they pleaded that at the time of accident age of the deceased was 22 years and earning Rs. 500/- per day. They claimed a sum of Rs. 46,00,000/-. The owner and driver filed reply and they pleaded that deceased himself was negligent. It is also contended that the driver of the offending vehicle had valid driving license and vehicle was insured with the Insurance Company.
4. The Insurance Company filed reply and took a plea that the driver did not have valid driving license. The learned Tribunal framed issues, parties led evidence, and thereafter, award was passed.
5. Mr. P.K. Tulsyan, Advocate would submit that the driver of the offending vehicle did not have valid and effective driving license to drive the Pick-up. He would submit that the driver had driving license to drive Light Motor Vehicle (LMV), whereas, he was driving a transport vehicle and there was no endorsement in the license and this aspect of the matter has not been considered by the learned Tribunal. He would pray to set-aside the award.
6. On the other hand, learned counsel appearing for respondents would oppose. They would contend that as the driver of the vehicle was having driving license to drive LMV, therefore, there was no requirement to get



endorsement in the driving license to drive transport vehicle.

7. Mr. Praveen Dhurandhar, Advocate would submit that the learned Tribunal has committed error of law while assessing the income of the deceased 6,000/- per month. He would contend that minimum wage admissible to an unskilled labourer in the month of September, 2020 was Rs. 7,800/- and the learned Tribunal should have taken that figure. It is also contended that the learned Tribunal failed to grant compensation for loss of consortium to one of the claimants. He would pray to enhance the compensation accordingly.
8. Mr. Tulsyan and Mr. Singroul would submit that the learned Tribunal has granted just and proper compensation and cross-objection deserves to be dismissed.
9. I have heard learned counsel for the parties and perused the record with utmost circumspection.
10. The Hon'ble Supreme Court in the matter of ***Bajaj Alliance General Insurance Co. Ltd vs Rambha Devi & Ors reported in MANU/SC/1178/2024*** in para 131 (I), has held that *a driver holding a license for Light Motor Vehicle (LMV) class, Under Section 10(2)(d) for vehicles with a gross vehicle weight under 7,500kg, is permitted to operate a 'Transport Vehicle' without needing additional authorization Under Section 10 (2)(e) of the MV Act specifically for the 'Transport Vehicle' class, para 131 (I) is reproduced herein-below :-*

131. *Our conclusions following the above discussion are as under:*

(I) A driver holding a license for Light Motor Vehicle (LMV) class, Under Section 10(2)(d) for vehicles with a gross vehicle weight under 7,500kg, is permitted to operate a 'Transport Vehicle' without needing



additional authorization Under Section 10 (2)(e) of the MV Act specifically for the 'Transport Vehicle' class. For licensing purposes, LMVs and Transport Vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, e- rickshaws, and vehicles carrying hazardous goods.

11. In the present case, the Insurance Company could not establish the fact that the gross weight of Pick-up was more than 7,500kg; therefore, in my opinion there was no need to get additional authorization and the contention made by Mr. Tulsyan is hereby rejected. Accordingly, appeal preferred by the Insurance Company is **dismissed**.
12. With regard to enhancement of compensation, the learned Tribunal has assessed the income of the deceased Rs. 6,000/-, certainly which is at lower side. The minimum wage admissible to an unskilled labourer in the month of September, 2020 was Rs. 7,800/- and the learned Tribunal should have taken that figure while computing income of the deceased. Further, the learned Tribunal has not granted compensation for loss of consortium to one of the claimants.
13. Taking into consideration the above-discussed fact, in my opinion, the compensation requires reconsideration and same is being revisited herein-below:-

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs. 6,000 x12 = Rs. 72,000/-	Rs. 7,800 x12 = Rs. 93,600/-
2.	Future Prospect	(40%) = Rs. 28,800/-	(40%) = Rs. 37,440/-
3.	Deduction	(-) 1/2 Rs. 50,400/-	(-) 1/2 Rs. 65,520/-



		Rs. 50,400/-	Rs. 65,520/-
4.	Multiplier	(x) 17 = Rs. 8,56,800/-	(x) 17 = Rs. 11,13,840/-
5.	Loss of Estate	Rs. 16,500	Rs. 16,500
6.	Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
7.	Loss of consortium (for appellant No. 1)	Rs. 44,000/-	Rs. 44,000/-
8.	Loss of consortium(for appellant No. 2)		Rs. 44,000/-
	TOTAL	Rs. 9,33,800/-	Rs. 12,34,840/-

14. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 9,33,800/- awarded by the tribunal is enhanced to **Rs. 12,34,840/-**. Hence, after deducting the amount of Rs. 9,33,800/-, the appellants/claimants are held entitled for an additional amount of Rs. **3,01,040/-** with interest at the rate of 6% per annum. The 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 copy of this order. Rest of the conditions of impugned award shall remain intact.

15. Accordingly, the instant appeal is hereby **partly allowed**.

Sd/-
(**Rakesh Mohan Pandey**)
Judge

\$iddhant