



2026:CGHC:21176

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MAC No. 1048 of 2019

1 - Smt. Laleeta Yadav W/o Late Birbal Prasad Yadav Aged About 40 Years  
R/o Near Baghawa Mandir Sarkanda, Thana- Sarkanda, District- Bilaspur,  
Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Yashwant Prasad Yadav S/o Late Birbal Prasad Yadav Aged About 19 Years  
R/o Near Baghawa Mandir Sarkanda, Thana- Sarkanda, District- Bilaspur,  
Chhattisgarh., District : Bilaspur, Chhattisgarh

3 - Jashwant Prasad Yadav S/o Late Birbal Prasad Yadav Aged About 17 Years  
Minor Through Legal Guardian Mother Smt. Laleeta Yadav W/o Late Birbal  
Prasad Yadav, R/o Near Baghawa Mandir Sarkanda, Thana- Sarkanda, District-  
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

4 - Dev Prasad Yadav (Deleted) As Per The Hon'ble Court's Order Dated 16-  
03-2020.

--- **Appellants**

**versus**

1 - Prabhu Bhuiya S/o Kanhai Bhuiya Aged About 33 Years R/o Village  
Binaika Ward No.10 Post Udaypur Thana Tarhasi (Manatu) District- Palamu  
Jharkhand.....(Driver Of The Offending Vehicle Truck/trailer No. C.G.  
04/I.S./1446).....(Driver), District : Palamu, Jharkhand

2 - Through Owner/director Mahamaya Associate Dukan No. S.F.12 2nd Floor  
Shyam Plaza Pandri Bus Stand Raipur Tahsil And District- Raipur,  
Chhattisgarh.....(Owner Of The Offending Vehicle Truck/trailer No.  
C.G.04/I.S./1446).....(Owner), District : Raipur, Chhattisgarh

3 - The New India Insurance Company Limited Through Branch Manager,  
Branch Officer- 2nd Floor Rama Tred Center, In Front Of Rajeev Plaza Old  
Bus Stand Road Bilaspur Tahsil And District- Bilaspur, Chhattisgarh.....  
(Insure Of The Offending Vehicle Truck/trailer No. C.G. 04/I.S./1446).....  
(Insurer), District : Bilaspur, Chhattisgarh

--- **Respondent(s)**



|                        |   |                                    |
|------------------------|---|------------------------------------|
| For Appellant          | : | Mr. A.L. Singroul, Advocate.       |
| For Respondent<br>No.2 | : | Mr. Harshmandar Rastogi, Advocate. |
| For Respondent<br>No.3 | : | Mr. B.N. Nande, Advocate.          |

**MAC No. 1698 of 2019**

**1** - The New India Insurance Company Limited By Branch Manager, Branch Office, 2nd Floor, Rama Trade Center, Opposite Rajiv Plaza, Old Bus Stand, Bilaspur Tehsil And District Bilaspur Chhattisgarh, Through Authorised Signatory, Manager Suit Claim Legal Hub, 2nd Floor, Rama Trade Centr, Above Axix Bank, Opposite Rajiv Plaza, Old Bus Road, Bilaspur Chhattisgarh

--- **Appellant**

**Versus**

**1** - Smt. Lalita Yadav Wd/o - Late Birbal Prasad Yadav Aged About 40 Years R/o - Near Baghwa Mandir, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

**2** - Yashvant Prasad Yadav S/o -Late Birbal Prasad Yadav Aged About 19 Years R/o - Near Baghwa Mandir, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh

**3** - Jashvant Prasad Yadav S/o - Late Birbal Prasad Yadav Aged About 17 Years Minor Through Guardian Mother Smt. Lalita Yadav Wd/o - Late Birbal Prasad Yadav (Respondent No.1) R/o - Near Baghwa Mandir, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh

**4** - Devprasad Yadav (deleted as per Court order dated 11.2.2020)

**5** - Prabhu Bhuiya S/o - Kanhai Bhuiya Aged About 33 Years R/o - Village Binaika Ward No. 10, Post Udaypur, Police Station Tarhasi (Manatu), District Palamu Jharkhand (Driver Of Truck/ Trailer Bearing No. Cg 04-L.S.-1446), District : Palamu, Jharkhand

**6** - Mahamaya Associates C/o - Owner/director Mahamaya Associates, Shop No. S.F. 12, 2nd Floor, Shyam Plaza Pandri Bus Stand, Raipur, Tehsil And District Raipur Chhattisgarh (Owner Of the Truck/ Trailer Bearing No. Cg 04-L.S.-1446)

--- **Respondent(s)**



|                              |   |                              |
|------------------------------|---|------------------------------|
| For Appellant                | : | Mr. B.N. Nande, Advocate.    |
| For Respondents<br>No.1 to 3 | : | Mr. A.L. Singroul, Advocate. |

**(Single Bench)**  
**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**06/05/2026**

1. Against the impugned award dated 30.04.2019 passed by the 2<sup>nd</sup> Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (for short 'the Claims Tribunal') in Claim Case No.170/2018, MAC No.1698/2019 has been filed by the Insurance Company seeking setting aside of the impugned award and to exonerate it from liability to pay compensation whereas MAC No.1048/2019 has been filed by the claimants seeking enhancement of the amount of compensation.
2. Since common question of law and fact is involved in these Appeals for adjudication, they are clubbed together, heard together and are being disposed of by this common order.

**MAC No. 1698 of 2019**

3. Mr. B.N. Nande, learned counsel for the appellant/Insurance Company would submit that in the accident occurred on 5.1.2018, two persons namely, Birbal Prasad Yadav and Heeraram had died. The claimants namely, Smt. Lalita Yadav, Yashwant Prasad Yadav and Jashvant Prasad Yadav are widow and sons respectively of deceased Birbal Prasad Yadav. Learned counsel further submits



that in the case of Heeraram (the other deceased), the insurance company was exonerated, however, principle of pay and recover was applied, against which the Insurance Company has preferred MAC No.51/2021 (Branch Manager the New India Assurance Company Limited Vs. Pawan Saay & Others) which was decided by the coordinate Bench of this Court on 6.4.2026 holding that though the insurance company was exonerated but doctrine of pay and recover has rightly been applied by the Claims Tribunal. Thus, the said principle may also be applied in the present case.

4. On the other hand, Mr. A.L. Singroul, learned counsel for respondents No.1 to 3/claimants would submit that just and proper compensation has been awarded by the Claims Tribunal.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. Since in the matter of Heeraram (died in the accident occurred on 5.1.2018), though the Claims Tribunal had exonerated the insurance company but applied the principle of pay and recover, which was affirmed by the coordinate Bench of this Court in MAC No.51/2021 vide order dated 6.4.2026, therefore, principle of pay and recover would also apply in the present case.

MAC No. 1048 of 2019

7. After hearing learned counsel for the parties and considering the



facts and circumstances of the case and that present is a death case, this Court is of the opinion that the compensation awarded in favour of the claimants deserves to be enhanced. As such, the claimants will be entitled for the following compensation as computed by this Court:-

| Sr. No. | Heads                      | Compensation awarded by the Tribunal                                      | Compensation awarded by this Court                  |
|---------|----------------------------|---------------------------------------------------------------------------|-----------------------------------------------------|
| 1.      | Income per month           | Rs.4,500/-                                                                | Rs.7,800/- pm                                       |
| 2.      | 25% Future prospects       | (+) 25% of Rs.4,500 = Rs.1125/- + 4500 = Rs.5,625/- x 12 = Rs.67,500/- PA | Rs.1950 + Rs.7800 = Rs.9,750/- x 12 = Rs.1,17,000/- |
| 3.      | deduction (total 4)        | Rs.67,500 x ¼ = 16,875 = Rs.50,625/-                                      | Rs.1,17,000/ x ¼ = Rs.29,250 = Rs.87,750/-          |
| 4.      | Multiplier                 | Rs.50,625/- x 14 = 7,08,750/-                                             | Rs.87,750/- x 14 = Rs.12,28,500/-                   |
| 5.      | Loss of dependency         | Rs.7,08,750/-                                                             | Rs.12,28,500/-                                      |
| 6.      | Loss of spousal consortium | Rs.40,000/-                                                               | Rs.44,000/-                                         |
| 7.      | Funeral expenses           | Rs.15,000/-                                                               | Rs.16,500/-                                         |
| 8.      | Loss of estate             | Rs.15,000/-                                                               | Rs.16,500/-                                         |
| 9.      | Loss of filial consortium  | -                                                                         | Rs.88,000/- (two sons)                              |
|         | Grand Total                | Rs.7,78,750/-                                                             | Rs.13,93,500/-                                      |

8. In view of the aforesaid analysis, the amount of compensation of **₹7,78,750/-** awarded by the Claims Tribunal is enhanced to **₹13,93,500/-**. Hence, after deducting the amount of **₹7,78,750/-**, the claimants are held to be entitled to an additional amount of



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**₹6,14,750/-**. The respondent/Insurance Company is directed to first pay the enhanced amount of compensation to the claimants within a period of 45 days from the date of receipt of a copy of this order and thereafter recover the same from the owner of the vehicle. The additional amount of compensation shall carry interest @ 6% *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.

9. In the result, the Appeal preferred by the Insurance Company is partly allowed and the Appeal filed by the claimants is allowed to the extent indicated above.

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