



2026:CGHC:3317



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1066 of 2023

1 - Devanti Devi W/o Late Ramjanam Ram Aged About 60 Years Occupation Housewife, R/o Mohalla Guru Dhasidas Ward No. - 19, Kedarpur (Near Mission Chowk) Ambikapur, P.S. And Tahsil Ambikapur, District Surguja, C.G.

2 - Vinay Kumar Rohit S/o Late Ramjanam Ram Aged About 48 Years R/o Mohalla Guru Dhasidas Ward No. - 19, Kedarpur (Near Mission Chowk) Ambikapur, P.S. And Tahsil Ambikapur, District Surguja, C.G.

3 - Dinesh Kumar Toppo S/o Late Ramjanam Ram Aged About 40 Years R/o Mohalla Guru Dhasidas Ward No. - 19, Kedarpur (Near Mission Chowk) Ambikapur, P.S. And Tahsil Ambikapur, District Surguja, C.G.

... Appellants

Versus

1 - Devnath S/o Parsoti Oraon Aged About 29 Years Occupation Vehicle Driver, R/o Village Laduwa, P.S. Rajpur, District Balrampur-Ramanujganj, C.G. (Vehicle Driver)

2 - Purshottam Agrawal S/o P.R. Agrawal Occupation Vehicle Owner, R/o Vivek Complex, Vijay Marg, Ambikapur, P.S. And Tahsil Ambikapur, District Surguja, C.G. (Vehicle Owner).

3 - Magma H.D.I. General Insurance Company Limited Policy Servicing Office No. -501, 509 And 512, 512, 5 Floor D.B.C.T., Corporate Bank Plot No. -1, Block No. 9, Rajbandhu Maidan, Raipur, C.G. 492001, Local Office Magma Insurance Company, Khasra No. 243, Neelkant Complex, 1st Floor, 218, Manendragarh Road, Ambikapur, District Surguja, C.G. (Insurance Company).

... Respondents

For Appellants/Claimants	:	Mr. C. Jayant K. Rao, Advocate
For Respondent No. 3/ Insurance Company	:	Ms. Harneet Kaur, Advocate holding the brief of Mr. Sourabh Sharma, Advocate
For Respondents No. 1 & 2/ Driver and Owner	:	None, though served

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

20/01/2026

- The appellants/claimants have filed this appeal under Section 173 of the Motor Vehicles Act for enhancement of compensation assailing the



judgment and award passed by the learned Motor Accident Claims Tribunal, Surguja (Ambikapur), C.G. in Claim Case No. 117/2020 dated 12.10.2022, whereby the learned Claims Tribunal has granted compensation to the tune of Rs.4,15,600/- with interest @ 7% per annum on account of death of Ramjanam Ram.

2. The facts of the case, in brief, are that on 18.01.2020, while deceased Ramjanam Ram was returning along with his friend Shivkumar on his Activa bearing registration No. CG-15 / CF-1042 from Village Podipa to his home at Mission-Chowk, Ambikapur, the driver of offending vehicle Hyva bearing registration No. CG-15 / AC-3051 by driving it rashly and negligently dashed the Activa vehicle of Ramjanam Ram, resultantly, he sustained grievous injuries and succumbed to death.
3. Mr. C. Jayant K. Rao, learned counsel appearing for the appellants/claimants would submit that on 18.01.2020 at about 14:45 hours, the Activa vehicle of the deceased was dashed by offending vehicle Hiva bearing registration CG-15 / AC-3051. It is argued that deceased Ramjanam Ram sustained injuries in the said accident and succumbed to death. He would submit that the wife and two major sons of the deceased filed claim case under Section 166 of the Motor Vehicles Act, wherein they pleaded that at the time of accident, age of the deceased was 70 years and earning Rs.19,200/- per month. He would contend that the learned Claims Tribunal has committed error of law as amount of compensation for loss of consortium has not been granted to claimants No. 2 and 3. He would fairly submit that on other heads, the learned Claims Tribunal has granted just compensation. He would pray to enhance the compensation accordingly.



4. On the other hand, Ms. Harneet Kaur, learned counsel appearing for respondent No. 3/Insurance Company would oppose. Ms. Harneet Kaur would submit that the learned Claims Tribunal has granted just and proper compensation, therefore, the appeal preferred by the claimants deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the record of the learned Claims Tribunal with utmost circumspection.
6. Perusal of the record would show that the learned Claims Tribunal has not awarded compensation for loss of consortium to claimants No. 2 and 3 (sons of the deceased). Thus, claimants No. 2 and 3 (sons of the deceased) are held entitled to receive a sum of Rs.48,000/- each for loss of consortium. Thus, compensation requires reconsideration.
7. Accordingly, the appellants/claimants No. 2 and 3 are entitled for an additional amount of Rs.96,000/- for loss of consortium. The concerned respondent No.3/Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of 03 months from the date of receipt of copy of this judgment. The additional amount of compensation shall carry interest @ 7% per annum from date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
8. In the result, the appeal is **allowed in part** with modification in the impugned award to the above extent.

Sd/-
(Rakesh Mohan Pandey)
Judge