



2026:CGHC:15048

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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1117 of 2020**

National Insurance Company Limited, Through Divisional Manager,
Local Branch/ Division Office- Priya Darshini Nagar, Bilaspur, District
Bilaspur Chhattisgarh (Insurance Company)

... Appellant**versus**

1 - Smt. Arti Lakda, W/o. Late Shailendra Lakda, Aged About 28 Years,
R/o. Village Gamhariya, Tehsil And District Jashpur, Chhattisgarh.

2 - Aditya Lakda, S/o. Late Shailendra Lakda, Aged About 4 Years
(Minor) Through Mother / Next Friend Smt. Arti Lakda, W/o. Late
Shailendra Lakda, Aged About 28 Years, R/o. Village Gamhariya, Tehsil
And District Jashpur, Chhattisgarh.

3 - Smt. Jermina Lakda, W/o. Late Anand Lakda, Aged About 60 Years,
R/o. Village Patasura, Tehsil Bagicha, District Jashpur, Chhattisgarh.

4 - Lalit Kispotta, S/o. Pitarus Kispotta, R/o. Village Mutu Jakaba, Post
Kalaru, Tehsil Manora, District Jashpur, Chhattisgarh.



5 - Sajit Bada, S/o. Sibani, Aged About 30 Years, R/o. Village And Post Kaiekachhar, Tehsil And District Jashpur, Chhattisgarh, At Present R/o. BS Irrigation Colony, New Panchasheel Nagar, Katora Talab, Raipur Chhattisgarh.

... Respondents

For Appellant : Mr. Sanjay Patel, Advocate

For Claimants/ Respondent : Ms. Avit Lakra, Advocate
No.1 to 3

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

01.04.2026

1. The appellant/insurance company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 calling in question the legality, validity and correctness of the impugned award dated 13.02.2020 passed by the learned Motor Accident Claims Tribunal, Jashpur, District Jashpur in Claim Case No.21/2019, by which the claim application of the claimants has been allowed and liability to pay the amount of compensation has been fastened upon the insurance company.
2. Mr. Sanjay Patel, learned counsel for the appellant/insurance company, would submit that the deceased himself was negligent in



driving the vehicle, therefore, insurance company could not have been fastened with liability to pay the amount of compensation.

3. Ms. Avit Lakra, learned counsel for the claimants/respondents No.1 to 3, would support the impugned award and submit that the age of the deceased was 28 years as per the statement of his wife Smt. Aarti Lakra (AW-1) and therefore, multiplier ought to have been applied 17 in place of 16. She would further submit that the income of deceased was also ought to have taken Rs.18,000/- per month.
4. Heard learned counsel appearing for the parties and gone through the records meticulously.
5. Considering the facts and circumstances of the case and taking into the evidence available on record, the appeal filed by the appellant/insurance company has no merit and accordingly, the same is dismissed.

Cross Appeal/Objection filed by the Claimants

6. So far as the income of the deceased is concerned, Rs. 12,000/- per month has been pleaded and in evidence also, Aarti Lakdra (AW-1), wife of deceased, has pleaded the income of the deceased to be Rs. 12,000/- per month, therefore, the Claims Tribunal has rightly held the income of the deceased to be Rs. 12,000/- per month and, as such, no interference is required on it.



7. Taking into the age of the deceased to be 28 years, as per the statement of his wife Aarti Lakda (AW-1), multiplier of 17 would be applicable in this case in lieu of 16, as applied by the learned Claims Tribunal. Thus, this Court is re-computing the compensation as below:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
Loss of income	Rs. 12,000/- per month i.e. Rs.1,44,000/- per annum	Rs. 12,000/- per month i.e. Rs.1,44,000/- per annum
Add future prospects @ 40%	Rs. 1,44,000 + Rs. 57,600 = Rs. 2,01,600/-	Rs. 1,44,000 + Rs. 57,600 = Rs. 2,01,600/-
Deduction of 1/3 towards personal expenses	Rs. 2,01,600 – 67,200 = Rs.1,34,400/-	Rs. 2,01,600 – 67,200 = Rs.1,34,400/-
Multiplier	Rs. 1,34,400 x 16 = Rs. 21,50,400/-	Rs. 1,34,400 x 17 = Rs. 22,84,800/-
For loss of Consortium	Rs. 40,000 x 3 = Rs. 1,20,000/-	Rs. 40,000 x 3 = Rs. 1,20,000/-
For loss of Estate	Rs. 15,000/-	Rs. 15,000/-
For Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-
Total	Rs. 23,00,400/-	Rs. 24,34,800/-

8. In view of the aforesaid analysis, the amount of compensation of **Rs. 23,00,400/-** awarded by the Claims Tribunal is enhanced to **Rs.**



24,34,800/-. Hence, after deducting the amount of compensation already awarded i.e. **Rs. 23,00,400/-**, the claimants are entitled for an additional amount of **Rs. 1,34,400/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days. 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 of the insurance company is dismissed and the cross-appeal of the claimants is partly allowed. The impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok