



2026:CGHC:18348



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1293 of 2023**

1. Ram Singh S/o Late Udayram Markam (Khadiya) Aged About 20 Years R/o Gram Panchayat Madhai, Chaparapara Ward No. 6, Thana Bango And Tahsil Podi Uproda, District Korba (Chhattisgarh).
2. Minor Avdha S/o Late Udayram Markam (Khadiya) Aged About 17 Years Minor Through Legal Guardian Mother Smt. Phul Bai W/o Late Udayram Markam (Khadiya) Now She Was Died. Now At Present Legal Guardian Brother Ram Singh S/o Late Udayram Markam (Khadiya). R/o Gram Panchayat Madhai, Chaparapara Ward No. 6, Thana Bango And Tahsil Podi Uproda, District Korba (Chhattisgarh).
3. Minor Manisha Kumari D/o Late Udayram Markam (Khadiya) Aged About 13 Years Minor Through Legal Guardian Mother Smt. Phul Bai W/o Late Udayram Markam (Khadiya) Now She Was Died. Now At Present Legal Guardian Brother Ram Singh S/o Late Udayram Markam (Khadiya). R/o Gram Panchayat Madhai, Chaparapara Ward No. 6, Thana Bango And Tahsil Podi Uproda, District Korba (Chhattisgarh).
4. Minor Panchram S/o Late Udayram Markam (Khadiya) Aged About 16 Years Minor Through Legal Guardian Mother Smt. Phul Bai W/o Late Udayram Markam (Khadiya) Now She Was Died. Now At Present Legal Guardian Brother Ram Singh S/o Late Udayram Markam (Khadiya). R/o Gram Panchayat Madhai, Chaparapara Ward No. 6, Thana Bango And Tahsil Podi Uproda, District Korba (Chhattisgarh).

... Appellants**versus**

1. Nisar Khan S/o Nafir Khan Aged About 23 Years R/o Village Chamrahi, District Garhwa (Jharkhand). Hall Mukam Dhaskamuda, Thana Jobi Tahsil (Driver Of The Offending Vehicle Trailer No. C.G. 22/r/9032).
2. M/s Tanu Shri Logistics Pvt Ltd, Address Village Khapradih, Simga, Baloda Bazar Raipur Chhattisgarh. (Owner Of The Offending Vehicle Trailer No. C.G. 22/r/9032).
3. The Oriental Insurance Company Limited. Through Divisional Manager Limited. Through Divisional Manager Oriental Insurance Company Limited



Circle Office-Korba, Thana And Tahsil Korba, District Korba Chhattisgarh.
(Insurer Of The Offending Vehicle Trailer No. C.G. 22/r/9032).

... Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Vikas Kumar Pandey, Advocate.
For Respondent No.1 & 2	:	Mr. Shrikant Kaushik, counsel appears on behalf of Mr. Rishikant Mahobia, Advocate.
For Respondent No.3	:	Mr. Anmol Gupta, counsel appears on behalf of Mr. Sumit Singh, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

22/04/2026

1. Heard on I.A. No.1/2023, application for condonation of delay in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 187 days in filing the appeal is hereby condoned.
3. Also heard on admission.
4. Admit.
5. With the consent of the parties, the matter is heard finally.
6. This appeal arises out of the award dated 01.10.2022 (Annexure-A/1) passed by Second Motor Accident Claims Tribunal (for short the "Tribunal") Katghora, District Korba (C.G.) in Claim Case No. 36/2020 awarding a compensation of Rs. 11,30,600/- in favour of the appellants/claimants.
7. Facts of the case in brief are that on 26.04.2020 at about 4:30 PM at Village Chotiya, Thana Bango, Tehsil Podi Uroda, District Korba (C.G.), respondent No.1/driver of the offending vehicle Trailer bearing Registration No. CG-22-R-9032 hit the motorcycle of Krupal Singh Khandiya. In the said accident, victim Udayram Markam accompanied by Chatram Khandiya and Krupal Singh Khandiya sustained injuries and succumbed to death. Criminal case was registered against the driver of the offending vehicle.



8. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 39,27,400/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.
9. After evaluating the evidence available on record, the Tribunal awarded Rs.11,30,600/- to the appellants/claimants as compensation as a whole and it is this award which is under challenge in this appeal.
10. Learned counsel for the appellants/claimants submits that at the time of incident deceased was aged about 42 years. He submits that though the deceased being a mason was earning Rs.12,000/- per month, the Tribunal has taken it at Rs. 6,048/- and thus committed an illegality in so doing. He further submits that when the claim application was filed, wife of the deceased was also a party, who also died during the pendency of appeal. Now, the children are the only dependents upon the income of the deceased and the learned Claims Tribunal awarded less compensation, which requires suitable enhancement.
11. On the other hand, counsel for the respondent No.3 has supported the award impugned and submits that compensation as awarded by the learned Claims Tribunal is just and proper, hence does not call for any interference by this Court.
12. I have heard counsel for the parties and perused the material available on record with utmost circumspection.
13. From the pleadings it is clear that the accident occurred with the offending vehicle which was insured with respondent No.3 and was being driven by respondent No.1. From the pleadings it is apparent that the deceased at the time of filing of claim application there were 5 dependents upon the income of the deceased. Learned Claims Tribunal took the monthly income of the deceased at Rs. 6,048/- which in the considered opinion of this Court appears to be inappropriate. Taking into consideration the facts and



circumstances of the case available on record, nature of job; age of the deceased at the time of accident and date of accident, monthly income of the deceased is taken at Rs. 10,000/- and annual at Rs. 1,20,000/-.

14. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121 and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:-

Serial No.	Particulars	Amount(Rs.)
1	Annual Income (Rs.10,000 x 12)	1,20,000
2	Income with Future Prospects (Rs.1,20,000 x 25% Future Prospects = Rs.30,000; 1,20,000 + 30,000 = 1,50,000)	1,50,000
3	Income after Deduction towards Personal Expenses of the Deceased (Rs.1,50,000 / 4 = Rs.37,500; 1,50,000 – 37,500 = Rs.1,12,500)	1,12,500
4	Loss of Dependency after applying Multiplier (Rs.1,12,500 x 15 = Rs.16,87,500)	16,87,500
5	Funeral Expenses	15,000
6	Loss of Estate	15,000
7	Consortium to wife	40,000
8	Filial and Parental Consortium (Rs.40,000 x 4 = Rs.1,60,000)	1,60,000
	Total Compensation =	19,17,500
	(-) Compensation Awarded by the Claims Tribunal =	11,30,600
	Enhancement in Compensation =	7,86,900



15. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.7,86,900/-. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal, i.e., 05.07.2023 till realisation of the enhanced compensation. Respondent No.3/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 a copy of this order. Out of the enhanced amount of compensation, a sum of Rs.1,50,000/- each shall be deposited as fixed deposit in the names of appellants/claimants in a nationalized bank for a period of 2 years. On deposit, learned Claims Tribunal shall pass an appropriate order regarding the remaining amount with regard to the apportionment and disbursement of the enhanced amount of compensation amongst the appellants/claimants.
16. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-
(Sachin Singh Rajput)
Judge

Deepti Jha