



2026:CGHC:20724

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1311 of 2024

- 1** - Smt. Maheshwari Painkra W/o Late Thakur Painkra Alias Thakur Prashad Painkra Aged About 29 Years R/o Village Jashwantpur, P.S. And Tehsil Shankargarh District Balrampur-Ramanujganj Chhattisgarh.
- 2** - Kumari Mayanti Painkra D/o Late Thakur Painkra Aged About 10 Years Through Her Mother Smt. Maheshwari Painkra, R/o Village Jashwantpur, P.S. And Tehsil Shankargarh District Balrampur-Ramanujganj, Chhattisgarh.
- 3** - Angal Painkra S/o Late Thakur Panikra Alias Thakur Prashad Painkra Aged About 2 Years Through Her Mother Smt. Maheshwari Painkra, R/o Village Jashwantpur, P.S. And Tehsil Shankargarh District Balrampur-Ramanujganj, Chhattisgarh.
- 4** - Mangna Ram S/o Rupu Ram Aged About 57 Years Through Her Mother Smt. Maheshwari Painkra, R/o Village Jashwantpur, P.S. And Tehsil Shankargarh District Balrampur-Ramanujganj, Chhattisgarh.

... Appellant

versus

- 1** - Brahmdev Manikpuri S/o Jagdish Manikpuri Aged About 56 Years R/o Ward No. 3 Bhaiyathan Road, Mandir Para, Surajpur, P.S. And Tehsil Shankargarh District Balrampur Ramanujganj, Chhattisgarh.
- 2** - Fakruddin Khan S/o Late Haji Rashid Khan Aged About 56 Years R/o Ward No. 27 Jarhagarh, Ambikapur, District Surguja Chhattisgarh.
- 3** - New India Insurance Company Limited Through Its Branch Manager, Branch Office Ambika Petrol Pump Campus, Near Abedakar Chowk, City Ambikapur, District Surguja Chhattisgarh.

... Respondents

For Appellants	:	Mr. Vikram Usendi, Advocate holding brief of Mr. Aditya Kumar Mishra, Advocate
For Res. No. 3	:	Mr. Samir Singh, Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

04.05.2026.

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short MV Act) has been filed by the appellants/claimants, being aggrieved by the award dated 03.05.2024 passed by the learned Principal Motor Accident Claims Tribunal, Ambikapur-Surguja (C.G.) in Claim Case No. 194 of 2023.
2. By the impugned award, the learned Tribunal has awarded compensation of Rs. 15,35,200/- to the appellants/claimants, on account of the death of deceased/Thakur Painkra @ Thakur Prasad Painkra due to accident that took place on 27.06.2023 by offending vehicle (Bus) bearing Registration No. CG15-AB/0591. The driver of the offending vehicle is respondent No. 1, it is owned by respondent No. 2 and insured with the Insurance Company/respondent No. 3. As a result of the said accident, the deceased/ Thakur Painkra @ Thakur Prasad Painkra sustained severe injuries, due to which he died.
3. As per the pleadings, at the time of accident, the deceased/ Thakur Painkra @ Thakur Prasad Painkra was aged about 30 years and he was a labourer and doing agricultural work and was earning Rs. 14,000/- per month. The appellants/claimants were dependent upon the income of the deceased.
4. Respondent No. 1 & 2/Driver, owner and Respondent No.3/Insurance company have filed their written statement, in usual course, denied the averments of the claim application. The

Insurance Company further pleaded that the driver of the offending vehicle did not have valid and effective driving licence and there is a violation of terms and conditions of insurance policy.

5. On the basis of the above pleadings, the learned Tribunal has framed five issues and after appreciating the material available on record decided the same in favour of the appellants/claimants and awarded above stated compensation.
6. Learned counsel for the appellants/claimants submits that on the date of accident, the deceased/ Thakur Painkra @ Thakur Prasad Painkra was aged about 30 years and he was a labourer and doing agricultural work and was earning Rs. 14,000/- per month whereas the learned Tribunal assessed the monthly income of the deceased to Rs. 7,000/-. Alternatively, he submits that looking to the age, two minor children, date of accident, atleast minimum wages should have been taken for assessment of compensation and amount on other heads is also on the lower side. Hence, suitable enhancement may be made by this Court.
7. Learned counsel for the respondent No.3. Supports the award and submits that in absence of any documentary evidence with regard to income of the deceased, findings of the learned Tribunal is justified and just compensation has been awarded.
8. I have heard learned counsel for the parties, considered their rival submissions and perused the records.
9. As per pleadings, the deceased at the time of accident the deceased was a labourer and doing agricultural work and was earning Rs. 14,000/- per month. Though, no documentary evidence has been brought on record with regard to income of the deceased but considering the fact that the appellant No. 1 is a widow lady alongwith two minor children, and they were dependent upon the income of the deceased, thus, taking into consideration the number of dependents; age of the deceased; date of accident; nature of job

& minimum wages prevailing at that time this Court is of the view that Rs. 12,000/- can be safely taken as income of the deceased.

10. In light of the above and taking guidance from the judgment of Hon’ble Supreme Court in the matter of **National Insurance Company Ltd. V. Pranay Sethi and others; (2017) 16 SCC 680, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors; (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors; (2018) 18 SCC 130**, this Court is recomputing the compensation as below:-

S.N	Particular	Awarded by this Court
1.	Monthly Income of the deceased	12,000/-
2.	Future Prospects @ 40%	4800/-
3.	Total Income	16,800/-
4.	Total Yearly Income	16800X12= 2,01,600/-
5.	Personal expenditure (1/4)	2,01,600/4= 50,400/-
6.	Net Income	201600- 50,400= 1,51,200/-
7.	Multiplier of 16 applied to assess total loss of dependency	1,51,200X16= 24,19,200/-
8.	Funeral Expenses	16,500/-
9.	Loss of estate	16,500/-
10.	Spousal Consortium	44,000/-
11.	Filial and Parental Consortium	120,000/-
	Total compensation	26,16,200/-

11. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 15,35,200/- awarded by the Tribunal is enhanced to Rs. 26,16,200/-. Hence, after deducting the amount of Rs. 15,32,200/-, the appellants/claimants are held entitled for an additional amount of Rs. 10,81000. The additional amount shall carry interest @6% per annum from the date of appeal i.e. 19.07.2024. The impugned award stands modified to the above extent.

12. The insurance company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days

from today, on such deposit being made, one F.D. of Rs. 3 lacs for a period of three years shall be made in the name of appellant No. 1- Smt. Maheshwari Painkra and fix deposits of Rs. 3 Lacs each shall be made in the names of appellant No. 2-Kumari Mayanti Painkra and appellant No. 3- Angal Painkra and they would be entitled to get withdrawal of the same after attaining the age of majority and Rs. 1 lacs shall be disbursed to appellant No. 4 and remaining amount shall be disbursed to the appellant No. 1.

13. Consequently, the appeal is partly allowed.

Sd/-

(Sachin Singh Rajput)
Judge

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