



2025:CGHC:55643



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 782 of 2022

1. Smt. Rewati Mehar W/o Late Raja Ram Mehar aged about 42 years R/o Village Padigaon Police Station And Tehsil Pussore District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Sameer Mehar S/o Late Raja Ram Mehar Aged About 19 Years R/o Village Padigaon Police Station And Tehsil Pussore District Raigarh Chhattisgarh.
3. Minor Sachin Mehar S/o Late Raja Ram Mehar Aged About 17 Years Through Natural Guardian Mother Mehar, W/o Late Raja Ram Mehar, R/o Village Padigaon Police Station And Tehsil Pussore District Raigarh Chhattisgarh.

... Appellants

versus

1. Aashish Dansena S/o Hem Lal Dansena aged about 26 years R/o Tikrapara Basna Police Station And Tehsil Basna District Mahasamund Chhattisgarh. (**Owner**), District : Mahasamund, Chhattisgarh
2. Bhawani Patel S/o Dori Lal Patel aged about 38 years R/o Village Tappa Sewariyya Tehsil And Police Station Pithora District Mahasamund Chhattisgarh. (**Driver**)
3. Branch Manager S.B.I. General Insurance Company Limited Office At Fourth Floor Pujari Chambers, Panchpedi Naka, Dhamtari Road, National Highway No. 43, Raipur , District Raipur Chhattisgarh. (**Insurance Company**)

... Respondents



For Appellants : None
For Respondents : None

Hon'ble Shri Justice Sachin Singh Rajput
Order on Board dated 30/03/2026

This appeal arises out of the award dated 10.12.2021 passed by Additional Motor Accident Claims Tribunal (for short the "Tribunal") Raigarh, District Raigarh (C.G.) in Claim Case No. 05/2020 awarding a compensation of Rs. 11,96,864/- in favour of the appellants/claimants.

2. Facts of the case in brief are that on 08.08.2019 at about 9:30 PM the offending vehicle bearing registration No. CG-06-GJ-8119 driven rashly and negligently by respondent No.2 caused the accident where the victim suffered injuries and succumbed to the same. Deceased is said to have earned Rs. 36,000/- per month from agriculture and cloth business. The offending vehicle was duly insured with respondent No.3. Criminal case was registered against the driver of the offending vehicle and after investigation charge sheet was also filed.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 1,34,60,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs. 11,96,864/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Perused the documents on record.

6. From the pleadings of the respective parties and the overall evidence on record 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 relevant time was aged about 44 years and was working as an agriculturist having a cloth business also. Learned Tribunal took the monthly income of the deceased at Rs. 7,190/- which in the



considered opinion of this Court appears to be inappropriate. Since the deceased was a an agriculturist by profession having side cloth business, monthly income of the deceased is taken at Rs. 9,000/- and annual at Rs. 1,08,000/-.

7. 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	1,08,000
2	Income with Future Prospects (Rs.1,08,000 x 25% Future Prospects = Rs. 1,08,000 + 27000; = 1,35,000)	1,35,000
3	Income after Deduction towards Personal Expenses of the Deceased (Rs.1,35,000/3 = Rs. 45,000; 1,35,000 – 45,000 = Rs. 90,000)	90,000
4	Loss of Dependency after application of Multiplier (Rs.90,000 x 14 = Rs.12,60,000)	12,60,000
5	Funeral Expenses	15,000
6	Loss of Estate	15,000
7	Consortium to wife	40,000
8	Parental Consortium (Rs.40,000 x 2 = Rs. 80,000)	80,000
	Total Compensation =	14,10,000
	(-) Compensation Awarded by the Claims Tribunal =	11,96,864/-
	Enhancement in Compensation =	2,13,136

8. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs. **2,13,136**. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal 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. On deposit an amount of Rs. 1,00,000/- shall be invested in a nationalised bank for a period of two years in the name of appellant No.1, Rs. 50,000/- each shall be disbursed to appellants No. 2 and 3, and remaining to appellant No.1.

9. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

10. Since the parties remained unrepresented, let a copy of this order be sent to the appellants/claimants and also to counsel for respondent No.3.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi