



2026:CGHC:19106

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1097 of 2023

Tata A.I.G. General Insurance Company Limited Through Its Legal Manager, Office No. 403, 4th Floor, D.B. City Corporate Park, Flat No. 1, Block No. 9, Rajbandha Maidan, Raipur (C.G.)

... Appellant

versus

1 - Smt. Anita Patle W/o Late Ramesh Kumar Patle Aged About 30 Years R/o Village Raliya, Tahsil Hardibazar, Pali, District Korba (C.G.).

2 - Sneha D/o Late Ramesh Kumar Patle Aged About 5 Years Minor Through Legal Guardian Mother Resp. No. 1 Smt. Anita Patle, W/o Late Ramesh Kumar Patle, R/o Village Raliya, Tahsil Hardibazar, Pali, District Korba (C.G.).

3 - Ku. Deepali Patle D/o Late Ramesh Kumar Patle Aged About 4 Years Minor Through Legal Guardian Mother Resp. No. 1 Smt. Anita Patle, W/o Late Ramesh Kumar Patle, R/o Village Raliya, Tahsil Hardibazar, Pali, District Korba (C.G.).

4 - Smt. Siya Bai W/o Late Atmaram Aged About 70 Years R/o Village Raliya, Tahsil Hardibazar, Pali, District Korba (C.G.).

5 - Tushar Mani S/o Tulsi Ram Aged About 21 Years R/o Village Kuchaina, P.O. Bhairotal, Tahsil Katghora, District Korba (C.G.).

... Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For Res. Nos. 1 to 4	:	Mr. Krishna Kumar Dewangan, Advocate
For Res. No. 5	:	None present, though served.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

25/04/2026

1. Assailing the legality, correctness and judicial propriety of the award dated 13.04.2023 passed by the 1st Upper Motor Accident Claims Tribunal,

Katghora, District- Korba in Claim Case No. 115/2021, this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short MV Act) has been preferred by the appellants/Insurance Company.

2. By the impugned award, against the compensation of Rs.1,88,08,000/-, learned Claims Tribunal has awarded a total compensation of Rs.51,63,924/- in favour of respondents No. 1 to 4/claimants on account of death of deceased - Ramesh Kumar Patle in an accident that took place on 30.06.2021 due to rash and negligent driving of the offending vehicle (Splendor plus) bearing Registration No. CG -12-AZ/3222 driven by driver cum Owner/respondent No.5 and insured with the Insurance Company/appellant. As a result of the said accident, the deceased Ramesh Kumar Patle sustained serious injuries which led to his death.

3. As per the pleadings made in the claim application, deceased - Ramesh Kumar Patle was aged about 30 years at the time of incident and was earning Rs. 21,607/- per month and Rs.2,59,284/- per annum by working as Peon in Public Works Department, Korba. It is further pleaded that the respondents No. 1 to 4/claimants, who are unfortunate widow, children and mother of the deceased, were dependent upon income of the deceased.

4. Respondent 5/Driver -cum- owner and appellant/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 to drive the offending vehicle at the time of incident and there is a violation of terms and conditions of insurance policy.

5. On the basis of the above broad pleadings made in the claim application, 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 in their favour saddling liability of payment of compensation upon the appellant/Insurance Company.

6. Learned counsel for the appellant/Insurance Company submits that the offending vehicle was not involved in the said accident. The FIR was lodged after an inordinate delay of about 43 days of the accident, which goes to show that alleged vehicle was implicated in the accident merely for the purpose of claiming compensation. Alternatively, he submits that the amount of compensation awarded by the Claims Tribunal appears to be on higher side, which deserves to be suitably reduced.

7. Learned counsel for the respondents/claimants while opposing the submission made by learned counsel for the appellant submits that no witness on behalf of the Insurance Company/appellant has been examined to prove its defence. He further submits that just & proper compensation has been awarded by the learned Claims Tribunal in favour of claimants, as the deceased was a government servant, thus, relying upon his service, no interference is required by this Court.

8. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

9. First contention of Mr. Sharma, learned counsel is that the offending vehicle was not involved in the accident and there is delay in lodging the FIR. Of course, there is a delay in lodging the FIR, however, learned Claims

Tribunal on the basis of material available on record found that accident had occurred due to rash and negligent driving of the offending vehicle. There cannot be a specific manner that how the accident has to be proved {kindly see **Bimla Devi & Ors vs Himachal Road Transport Corpn. & Ors** reported in **AIR (2009) SC 2819**.

10. Apart from this the plea of non involvement of the offending vehicle was taken by the Insurance company, however, for the reason best known to it no evidence to prove this fact was examined it has not been brought on record that the insurance company has made any complaint against the false involvement of the offending vehicle before any higher authority. Thus, this contention cannot be accepted and is liable to be and is hereby rejected.

11. The second contention is that the amount of compensation awarded by the learned Claims Tribunal appears to be on higher side. The deceased was working as Peon in the Public Works Department, Korba, and was aged about 30 years 5 month and 10 days as found by the learned Claims Tribunal. The Tribunal has assessed income of the deceased as Rs. 21,607/- per month, which was also duly proved by Ramsingh Matri, (AW-2) Divisional Account Officer. According to him the deceased was paid Rs. 21,607/- per month. The Tribunal found his yearly income as Rs. 2,59,254/- and after deduction of Rs. 464/- as income tax found Rs.2,58,820/- for assessment of yearly income for compensation. As the deceased was a salaried employee, 50% of future prospect was added and looking to four numbers of dependents $\frac{1}{4}$ deduction toward his personal expenses were made and after deducting the same, Rs. 2,91,172/- was found to be yearly dependency. As he was found to be 26 to 30 years of age, multiplier of 17 was applied and awarded Rs. 49,49,924/- as loss of dependency and further added Rs.16,500/- for loss of estate, Rs. 16,500/-

for funereal expenses, Rs. 5,000/- for transportation of the dead body and Rs. 44,000 as parental and filial consortium and, thus, awarded a total sum of Rs. 51,63,924/-. Therefore, in the opinion of this Court, the assessment of compensation by the learned Claims Tribunal does not require any interference by this Court as it based upon proper appreciation of the evidence and material available on record. Thus Second contention of Mr. Sharma is also rejected.

12. As a fallout and consequence of the aforesaid discussion, the misc. appeal, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

**(Sachin Singh Rajput)
Judge**

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