



2026:CGHC:20988

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MAC No. 1545 of 2024

1 - Smt. Chitrekha Bhaskar W/o Late Uttara Bhaskar, Aged About 40 Years Caste Satnami, R/o Village- Boda, P.S. And Post Fasterpur, Tahsil And District Mungeli, Chhattisgarh. -----  
(Claimants)

2 - Ramprasad S/o Late Uttara Bhaskar, Aged About 22 Years Caste Satnami, R/o Village- Boda, P.S. And Post Fasterpur, Tahsil And District Mungeli, Chhattisgarh. -----(Claimants)

3 - Gangeshwari D/o Late Uttara Bhaskar, Aged About 20 Years Caste Satnami, R/o Village- Boda, P.S. And Post Fasterpur, Tahsil And District Mungeli, Chhattisgarh. -----(Claimants)

4 - Keja Bai W/o Jhaduram Bhaskar, Aged About 65 Years Caste Satnami, R/o Village- Boda, P.S. And Post Fasterpur, Tahsil And District Mungeli, Chhattisgarh. -----(Claimants)

**... Appellants**

**versus**

1 - Rajendra Prasad Yadav S/o Late Shiv Murat Yadav, Aged About 48 Years R/o Manhan Biban Mau, P.S. Jalalpur, District Jaunpur, Uttar Pradesh -----(Driver Of Offending Vehicle Akash Bus Bearing Registration No. Up 62 B.T. 9988)

2 - Dinmani Tripathi S/o Dayashankar Tripathi, Aged About 56 Years R/o Village Jaunpur, Tahsil Jaunpiri, District Jaunpur, Uttar Pradesh. ----(Owner Of Offending Vehicle Akash Bus Bearing Registration No. U.P. 62 B.T. 9988)

3 - The New India Insurance Company Ltd. Rama Trade Center, Second Floor, U.T.I. Building, Shiv Talkies Chowk, Bilaspur, Chhattisgarh, Pin 495001 ----(Owner Of Offending Vehicle Akash Bus Bearing Registration No. U.P. 62 B.T. 9988)

**... Respondent(s)**

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For Appellants : Mr. C. K. Sahu, Advocate

For Respondent No. 3 : Mr. P. Dutta on behalf of Mr. Sudhir Agrawal, Advocate

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**Hon'ble Shri Justice Sachin Singh Rajput,**

**Order on Board**

**05.05.2026**

- 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 14.02.2024 passed by the learned First Additional Motor Accident Claims Tribunal, Mungeli, District- Mungeli (C.G.) (for short 'learned Tribunal') in Claim Case No. 78/2019.
- 2) By the impugned award, the learned Tribunal has awarded compensation of Rs. 13,35,000/- to the appellants/claimants, on account of the death of Uttra Bhaskar in an accident that took place on 15.09.2019 by rash and negligent driving of the offending vehicle (Bus) bearing Registration No. UP-62-BT-9988 by respondent No.1, owned by respondent No.2 and insured with respondent No.3/Insurance company. As a result of the said accident, the deceased/ Uttra Bhaskar suffered grievous injuries and died in hospital during treatment.
- 3) As per the pleadings, the deceased/ Uttra Bhaskar was aged about 45 years and engaged in the business of milk selling, earning a daily income of Rs. 1,200–1,500/-. The appellants/claimants were dependent upon the income of the deceased.
- 4) The respondents are remained *ex parte* before the learned Tribunal.
- 5) On the basis of the above pleadings, the learned Tribunal has framed 5 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 the amount of compensation is on the lower side. Hence, suitable enhancement may be made by this Court.

- 7) Learned counsels for the respondent No.3 supports the award and submits that in view of evidence available on record and 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) Considering the evidence available on record; age of the deceased; date of accident; nature of job; this Court is of the view that Rs. 12,000/- can be safely taken as monthly 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	10,000/-
2.	Yearly income	10,000 X12=1,20,000/-
3.	Future Prospect 25%	1,20,000X25%=30,000/-
4.	Net Income	1,20,000+30000=1,50,000/-
5.	Personal expenditure 1/4	1,50,000/4= 37,500/-
6.	Yearly dependency	1,50,000-37,500=1,12,500/-
7.	Multiplier of 14 applied to assess yearly loss of dependency	1,12,500 X14= 15,75,000/-
8.	Funeral Expenses	15,000/-
9.	Loss of estate	15,000/-
10.	Filial, Spousal and Parental consortium	01,60,000/- (40,000/- each to A-1 to A-4)
	<b>Total compensation</b>	Rs. 17,65,000/-

- 11) For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs.13,35,000/- awarded by the Tribunal is enhanced to Rs.

17,65,000/-. Hence, after deducting the amount of Rs. 13,35,000/-, the appellants/claimants are held entitled for an additional amount of Rs. 04,30,000/-. The additional amount shall carry interest @6% per annum from the date of appeal i.e. 05.08.2024. The impugned award stands modified to the above extent.

12) The respondent No. 3 insurance company is directed to deposit the amount of compensation enhanced by this Court within a period of 60 days from today, on such deposit being made, Rs. 2,50,000/- shall be invested in the name of appellant No. 1 for a period of 2 years in FDR at any Nationalized Bank, Rs. 50,000/- each shall be disbursed to appellant No. 2 to 4/claimants and remaining amount shall be paid to appellant No. 1 through bank transaction/account payee cheque.

13) Consequently, the appeal is partly allowed.

Sd/-

**(Sachin Singh Rajput)**  
**Judge**

**H.Ansari**