CGHC010231382024 2026:CGHC:31991

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1562 of 2024

Tata A.I.G. General Insurance Company Ltd., Through - Its Legal Manager, Present And Correct Address- Office No. 403, 4th Floor, Db, City Corporate Park, Flat No. 1, Block No. 9, Rajbandha Maidan, Raipur (C.G.)

... Appellant

versus

1 - Narango Pallo, S/o. Late Deu, Aged About 52 Years R/o. Nugur, P.O. Bedre, Tehsil - Kutru, District - Bijapur (C.G.)

2 - Smt. Burgo Pallo, W/o. Shri Narango Pallo, Aged About 48 Years R/o. Nugur, P.O. Bedre, Tehsil - Kutru, District - Bijapur (C.G.)

3 - Prakash Pallo, S/o. Shri Narango Pallo, Aged About 22 Years R/o. Nugur, P.O. Bedre, Tehsil - Kutru, District - Bijapur (C.G.)

4 - Ku. Sapna Pallo, D/o. Shri Narango Pallo, Aged About 14 Years (Respondent No. 4 Being Minor Through Natural Guardian Father Narango Pallo, S/o. Late Shri Deu) R/o. Nugur, P.O. Bedre, Tehsil - Kutru, District - Bijapur (C.G.)

5 - Laxman Hemla, S/o. Shri Raju Hemla, Aged About 20 Years R/o. Village - Schoolpara Dhusawad, P.S. And Tehsil - Bhairamgarh, District - Bijapur (C.G.)

6 - Chhotu, S/o. Shri Daso, R/o. Village - Schoolpara Dhusawad, P.S. And Tehsil - Bhairamgarh, District - Bijapur (C.G.).

--- **Respondent(s)**

2026:CGHC:31991

For Appellant-Insurance Company : Ms. Prachi Sharma, Advocate
For Respondents No.1 to 4/claimants : Mr. Abhishek Nirala, Advocate on behalf of Mr. PK Tulsiyan, Advocate.
For Respondent No.5 & 6/Driver & Owner : None.

<u>Hon'ble Shri Justice Sanjay Kumar Jaiswal</u>

<u>Judgment on Board</u>

(27.07.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been filed by the appellant/Insurance Company assailing the award dated 01.05.2024 passed by learned Additional Motor Accident Claims Tribunal (FTC), South Bastar, Dantewada, (CG) in Claim Case No.137/2023, whereby the Tribunal has awarded a total compensation of Rs.19,46,400/- alongwith interest @ 6% per annum in favour of the claimants/respondents No.1 to 4, on account of death of deceased Rakesh Pallo in a motor vehicle accident which took place on 19.04.2023.

2. It was pleaded that at the time of alleged accident, deceased Rakesh Pallo was 20 years of age and was earning Rs.12,000/- per month by doing labour work. Due to death of deceased, there is an irreparable loss to the the claimants who are the family member of deceased. Accordingly, the claimants/respondent Nos.1 to 4 have preferred an application before the Tribunal claiming total compensation of Rs.28,64,200/- under various heads.

3. The Tribunal, taking into consideration the age of the deceased, his occupation and year of accident i.e. 2023, assessed the monthly income of the deceased at Rs.9,000/-. Treating the deceased aged about 22 years, 40% was added towards future prospects and 1/3rd of the income was deducted towards personal expenses. Applying multiplier of 18, loss of dependency was worked out at 18,14,400/- In addition, Rs.1,32,000/- was awarded towards other heads, making total compensation of Rs.19,46,400/-. Hence, this appeal has been filed by the Insurance Company questioning the quantum of the award.

4. Learned counsel for the appellant-Insurance Company submits that the Tribunal erred in deducting 1/3rd of the deceased's income towards personal expenses. It is contended that, since the deceased was a bachelor, it ought to have been one-half of the income. Accordingly, it is submitted that the impugned award requires modification to that extent.

5. Admittedly, the deceased was an unmarried person aged about 22 years at the time of the accident. Therefore, the appropriate deduction towards personal expenses would be one-half of the income and not one-third as applied by the Tribunal.

6. In the **cross-objection** filed by the claimants, it is claimed that at the time of accident, the deceased was earning Rs.12,000/- per month, however, the Tribunal has assessed income of deceased at Rs.9,000/- per month. Hence, income of deceased be assessed as Rs.12,000/- per month. It is further claimed that the learned Tribunal has not awarded sufficient amount for funeral expenses, loss of estate and consortium as per law laid down by the Hon'ble Apex Court.

7. As regards the income of the deceased, though the claimants have pleaded that deceased was earning Rs.12,000/- per month, but no documentary evidence in support thereof has been produced, therefore, in absence of any reliable evidence regarding income of the deceased, keeping in mind the nature of occupation, date of accident ie 19/04/2023, wage structure prevailing on the date of accident, price index and cost of living etc. specially notification by Labour Department for minimum wages, upon considering the aforementioned factors, I find it appropriate to take income of deceased as Rs.9,960/- per month.

8. Claimants are father, mother, brother and sister of deceased, therefore, there are 4 dependents and as such each are entitled to get Rs.48,000/- towards consortium.

9. In the light of the judgment of Hon'ble Supreme Court in the cases of **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680; Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another** reported in **(2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. Vs. Nanu,** reported in **AIR Online 2018 SC 189**, this Court is re-computing the compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	Rs.9000 x 12 = 1,08,000/-	Rs.9960 x 12 = 1,19,520/-
2.	Future prospect	(+) 40% (i.e. Rs. 43,200) = 1,51,200/-	(+)40% (i.e. Rs. 47,808) = 1,67,328/-
3.	Deduction	(-) 1/3 (i.e. 50400) = 1,00,800/-	(-) 1/2 (i.e. 83664) = 83,664/-
4.	Multiplier	(x) 18 = 18,14,400/-	(x) 18 = 15,05,952/-
5	Other conventional heads	Rs. 1,32,000/- (18,000 + 18,000; 48000 X 2 = 96,000/-	Rs. 2,28,000/- (18000 + 18000; 48000 x 4 = 192000)
	Total	**Rs. 19,46,400/-**	**Rs. 17,33,952/-**

10. Thus, respondents No.1 to 4/claimants are entitled to get the compensation of **Rs.17,33,952/-** instead of **Rs.19,46,400/-** as awarded by the Tribunal.

11. Accordingly, the impugned award stands modified to the above extent and rest of the conditions shall remain intact.

12. In the result, the appeal of the Insurance company stands **allowed** and the cross-objection filed by the claimants stands **disposed of** with the aforesaid modification**.**

Sd/-
(Sanjay Kumar Jaiswal)
Judge

J.