



2026:CGHC:10572



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1406 of 2018

Judgment Reserved on: 14.1.2026

Judgment Delivered on: 28.2.2026

- Bajaj Allianz General Insurance Company Limited Shiv Mohan Bhawan Pandri Raipur, Chhattisgarh. Through Legal Officer, Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhawan Vidhan Sabha Road Pandri Raipur, Chhattisgarh. Insurer., District : Raipur, Chhattisgarh.

... Appellant(s)

versus

1. Thanwar Jagat S/o S/o Late Parsram Jagat Aged About 45 Years R/o Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra District Mahasamund, Chhattisgarh. Claimant., District : Mahasamund, Chhattisgarh.
2. Smt. Kumari Bai Jagat W/o W/o Thanwar Jagat Aged About 40 Years R/o Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.
3. Purushottam Jagat D/o S/o Thanwar Jagat Aged About 12 Years Minor They Are Through Natural Guardian Father Thanwar Jagat,



R/o Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra
District Mahasamund, Chhattisgarh., District : Mahasamund,
Chhattisgarh.

4. Ku. Pushpa Jagat D/o D/o Thanwar Jagat Aged About 12 Years
Minor They Are Through Natural Guardian Father Thanwar Jagat,
R/o Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra
District Mahasamund, Chhattisgarh., District : Mahasamund,
Chhattisgarh.
5. Deepak Jagat S/o S/o Thanwar Jagat Aged About 7 Years Minor
They Are Through Natural Guardian Father Thanwar Jagat, R/o
Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra
District Mahasamund, Chhattisgarh., District : Mahasamund,
Chhattisgarh.
6. Ku. Dileshwari Jagat D/o D/o Thanwar Jagat Aged About 2 Years
Minor They Are Through Natural Guardian Father Thanwar Jagat,
R/o Village Marar Kashibahra P. S. Bheemkhoj Tehsil Bagbahra
District Mahasamund, Chhattisgarh., District : Mahasamund,
Chhattisgarh.
7. Prdeep Kumar Devnath S/o S/o Brindvan Bangali Aged About 25
Years R/o Mahamaya Chowk Ghoudari P. S. Tehsil And District
Mahasamund, Chhattisgarh. Driver., District :
Mahasamund, Chhattisgarh.
8. Kamal Dev Chandrakar S/o S/o Chhanulal Chandrakar R/o Village
Belsonda, P. S. Tehsil And District Mahasamund,



Chhattisgarh. Owner., District : Mahasamund,
Chhattisgarh.

... Respondent(s)

For Appellant(s)	:	Mr. Ghanshyam Patel, Advocate.
For Respondent(s) No. 1 to 6	:	Mr. R.V. Ram Rajwade, Advocate.
For Respondents No. 7 & 8	:	None though notice has been served.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Judgment

1. The present is Insurance Company's appeal assailing the award dated 27.3.2018 passed by the learned 2nd Additional Motor Accident Claims Tribunal, Mahasamund (C.G.) in Claim Case No. H-56/2016, whereby an amount of Rs. 5,65,000/- with interest @ 6% per annum has been awarded in the favour of the claimants/respondents No. 1 to 6 herein of the deceased for their irreparable loss.
2. The claimants i.e. respondents No. 1 to 6 represented by Mr. R. V. Ram Rajwade, Advocate have also filed a cross-objection seeking for enhancement of compensation.
3. Brief facts of the case, is that, an application under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act") was filed by respondent Nos. 1 to 6, being the parents and siblings of the deceased Daggu @ Dagesh Baghel, seeking



compensation for his death. It was the case of the claimants that on 06.10.2014, the deceased was going to Mahasamund on his bicycle along with his friend Golu, and while they were standing on the roadside, Meghnath joined them, when suddenly the driver of the offending Maruti Van bearing registration No. CG-06-E-1416, coming from the opposite direction in a rash and negligent manner, hit all of them, causing serious injuries. They were initially shifted to Government Hospital, Dhamtari, and thereafter referred to Medical College, Raipur, where the deceased ultimately succumbed to his injuries during treatment. According to the claimants, at the time of the accident, the deceased was about 16 years old and earning Rs. 100 to Rs. 150 per day as a labourer, and therefore, the present claim petition was filed claiming compensation of Rs. 9,20,000/- under various heads. Respondent Nos. 1 and 2 filed a joint reply denying the adverse averments and thereafter did not contest the case, while the appellant–insurance company filed its reply disputing the allegations and specifically pleaded that the FIR was lodged against an unknown vehicle and that the insured vehicle was seized after one year of the accident, indicating collusion to falsely implicate the vehicle for claiming compensation. It was further contended that at the time of the accident, the driver did not possess a valid and effective driving licence and that the vehicle was being plied without a valid permit and fitness certificate, in violation of the policy conditions, thereby absolving the appellant



of liability. The appellant also relied upon several criminal proceedings, including Criminal Case Nos. 2778/16 and 14486/16, as well as Crime Nos. 172/15, 971/16, and 181/16, involving the same driver Kundan, to demonstrate a pattern of falsely implicating vehicles in delayed or unknown-vehicle cases, and marked Exhibits D-1 to D-4 in support thereof. To substantiate its defence, the appellant examined the Investigating Officer of Crime No. 172/2015, Preet Dhruw, as NAW-1, who admitted that the insured vehicle was seized after one year of the accident. The claimant also admitted that the FIR was lodged after two months against an unknown vehicle and that the motorcycle was seized prior to the insured vehicle. Despite these facts and the suspicious conduct of the vehicle owner in similar cases, which indicated an oblique motive, the learned Tribunal, without properly appreciating the evidence on record, held that the insured vehicle was involved in the accident and fastened the liability upon the appellant.

4. Learned counsel for the appellant/insurance company submits that the impugned award passed by the learned Tribunal is bad in facts as well as in law and suffers from grave illegality. It was contended that the Tribunal erred in holding that the insured vehicle bearing registration No. CG-06-E-1416 was involved in the accident, despite the fact that the FIR was initially lodged against an unknown vehicle and the alleged insured vehicle was seized only after a considerable delay. It was further argued that the conduct of the insured clearly establishes collusion with the



claimant, with a deliberate attempt to falsely implicate the vehicle in order to claim compensation from the appellant. The learned counsel pointed out that the owner of the vehicle has been involved in several similar criminal cases, where unknown vehicles were later substituted, indicating a pattern of fraudulent claims, which the Tribunal failed to properly appreciate, particularly the evidence of NAW-1. It was also submitted that the Tribunal wrongly relied upon the testimony of AW-2 by treating him as an eyewitness, though he neither lodged the FIR nor disclosed the identity of the vehicle for nearly two months, rendering him an implanted witness. The learned Tribunal was further criticized for recording findings on negligence and involvement of the vehicle merely on the basis of the FIR, without any conviction by a competent court. Additionally, it was argued that the deduction of one-third towards personal expenses was erroneous as the deceased was a bachelor, and that the award of Rs. 1,45,000/- under conventional heads was excessive and contrary to settled principles, which limit such compensation to Rs. 30,000/-. Lastly, the appellant sought liberty to raise additional grounds at a later stage, as may be permissible in law.

5. Learned counsel for claimants/respondents No. 1 to 6 submits that the claims Tribunal has awarded a sum of Rs. 5,65,000/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side



and needs to be enhanced. Hence, this appeal may be allowed by enhancing the compensation amount suitably.

6. None for respondent Nos. 7 & 8 i.e. driver and owner of the offending vehicle.
7. I have heard learned counsel for the parties and perused the material available on record.
8. After considering the submissions advanced by the learned counsel for the parties and upon a careful examination of the evidence available on record, this Court finds no merit in the present appeal. The claimants have successfully established the occurrence of the accident, the involvement of the offending vehicle bearing registration No. CG-06-E-1416, and the rash and negligent driving of its driver, which resulted in the death of Daggu @ Dagesh Baghel. The mere delay in lodging the FIR or seizure of the vehicle, by itself, is not sufficient to discredit the otherwise reliable oral and documentary evidence produced by the claimants. The Tribunal has duly appreciated the testimony of the witnesses and the material on record in its proper perspective and has recorded well-reasoned findings on negligence and liability, which do not suffer from any perversity or legal infirmity. The defence raised by the appellant regarding alleged collusion, absence of valid licence, and violation of policy conditions has not been substantiated by cogent and convincing evidence. Further, the compensation awarded by the Tribunal has been assessed in accordance with settled principles of law and does not call for any



interference.

9. Consequently, no ground is made out for either reduction or enhancement of the awarded amount. The appeal, being devoid of merit, is accordingly **dismissed**.

Cross-Objection

10. The tribunal assessed the income of the deceased at Rs. 30,000/- per annum. Considering the age of the deceased to be 15 years and the claimants/respondents No. 1 to 6 are the parents and siblings of the deceased, the Tribunal applied the multiplier of 14 and calculated the total loss of dependency as Rs. 4,20,000/-. Further Rs. 40,000/- towards mental harassment, Rs. 75,000/- towards loss of future, Rs. 15,000/- towards loss of estate and Rs. 15,000/- towards funeral has been awarded. Accordingly, the Claims Tribunal has awarded total compensation of Rs. 5,65,000/- in favour of the parents and siblings of the deceased with interest @ 6% per annum, from the date of application till its realization. Hence, this cross objection/appeal for enhancement.
11. Learned counsel for claimants/respondents No. 1 to 6 submits that the claims Tribunal has awarded a sum of Rs. 5,65,000/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side and needs to be enhanced. Hence, this appeal may be allowed by enhancing the compensation amount suitably.
12. On the other hand, it has argued on behalf of the counsel for the



appellant/insurance company that in the facts and circumstances of case, the compensation awarded by the Claims Tribunal is just and proper and requires no further enhancement.

13. None for respondent Nos. 7 & 8 i.e. driver and owner of the offending vehicle.
14. I have heard learned counsel for the parties and perused the material available on record.
15. In a motor accident claim case, what is important is that, the compensation to be awarded by the Courts/Tribunals should be just and proper compensation in the facts and circumstances of the case. It should neither be a meager amount of compensation, nor a Bonanza.
16. Now this Court shall examine as to whether the compensation of awarded by the Tribunal is just and proper compensation in the given facts and circumstances of the case.
17. The learned claims Tribunal has assessed the income of the deceased as Rs. 30,000/- per annum. Therefore, in absence of any reliable evidence regarding income of the deceased, keeping in mind the nature of occupation, date of accident, price index and cost of living etc. especially notification by Labour Department for minimum wages. Upon considering the aforementioned factors, I find it appropriate to take income of deceased as Rs. 5,167/- per month as per minimum wages, the annual income comes to Rs. 62,004/- per annum. As per **National Insurance Company Ltd.**,



Vs. Pranay Sethi and Others, (2017) 16 SCC 680 after adding 40% towards future prospects i.e. Rs. 24,802/-, the annual income comes to Rs. 86,806/-.

18. Considering the fact that the deceased was aged about 15 years and the claimants/respondents No. 1 to 6 are the parents and siblings of the deceased so deduction towards personal expenses would be 1/2 (Rs. 43,403/-) of the income and after deduction of the same the annual dependency comes to Rs. 43,403/-. In view of judgment of the Hon'ble Supreme Court in **Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another** reported in **(2009) 6 SCC 121** and **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680** and also considering the age of the deceased, after applying multiplier of 18, the total loss of dependency works out to Rs. 7,81,254/-. The claimants are further entitled for Rs. 18,000/- towards loss of estate (increase of 10% in every three years) and Rs. 18,000/- for funeral expenses (increase of 10% in every three years). As per '**Magma General Insurance Co. Ltd. Vs. Nanu**, reported in **AIR Online 2018 SC 189**, the claimants are further entitled for Rs. (40,000/-X6+10%+10%) each (with increase of 10% in every three years) i.e. Rs. 2,88,000/- for consortium. Accordingly, the claimants/respondents No. 1 to 6 i.e. parents and siblings of the deceased would become entitled for total compensation of Rs. 11,05,254/- in the following manner:-



S.No.	Heads	Calculation
01	Towards loss of dependency	Rs. 7,81,254/-
02	Towards consortium along with with increase of 10% in every three years (40,000X6+10%+10%).	Rs. 2,88,000/-
03	Towards loss of estate along with increase of 10% in every three years.	Rs. 18,000/-
04	Towards Funeral Expenses along with increase of 10% in every three years.	Rs. 18,000/-
	Total	Rs. 11,05,254/-

19. Thus, the total compensation is recomputed as Rs. 11,05,254/-.

After deducting Rs. 5,65,000/- as awarded by the tribunal, the enhancement would be **Rs. 5,40,254/-**.

20. In the result, the cross appeal filed by claimants/respondents No. 1 to 6 is **partly allowed**. The claimants/respondents No. 1 to 6 i.e. parents and siblings of the deceased shall be entitled for the enhanced amount of **Rs. 5,40,254/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount will carry interest @ 6% from the date of filing of claim petition till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

Sd/-
(Amitendra Kishore Prasad)

Judge



The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
14.1.2026	28.2.2026	-	28.2.2026

Raghu Jat