



2026:CGHC:10569



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1363 of 2018

Judgment Reserved on: 23.1.2026

Judgment Delivered on: 28.2.2026

- Smt. Annpurna Sapke Wd/o Sapke Nagesh Aged About 27 Years R/o Village Sangampalli Post Madded Tahsil Bhopalpatnam P.S. Madded District Beejapur Chhattisgarh. (Claimants), District : Bijapur, Chhattisgarh

... Appellant(s)

versus

1. Anil Udde S/o Laxmaiya Aged About 30 Years R/o Village Sangampalli Post Madded Tahsil Bhopalpatnam P.S. Madded District Beejapur Chhattisgarh (Driver Of The Vehicle), District : Bijapur, Chhattisgarh.
2. Divisional Manager Forest. Beejapur Forest Division Beejapur Chhattisgarh. (Owner Of The Vehicle), District : Bijapur, Chhattisgarh.
3. The State Of Chhattisgarh, Through Collector Beejapur District Beejapur Chhattisgarh. (Claimants), District : Bijapur, Chhattisgarh

... Respondent(s)

For Appellant(s)	: Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent(s)/ State	: Mr. Hariom Rai, Panel Lawyer.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Judgment

1. This appeal has been filed under Section 173 (2) of the Motor



Vehicle Act, 1988, against the award dated 16.1.2018 passed by the learned Motor Accident Claims Tribunal, South Bastar, Dantewada (C.G.), in Claim Case No. 11/2017 whereby an amount of Rs. 23,66,216/- with interest @ 9% per annum has been awarded in the favour of the claimant of the deceased for their irreparable loss.

2. Brief facts of the case, is that the appellant, being the widow and legal heir of the deceased late Sapke Nagesh, has preferred the present claim, and that the respondents were, at the relevant time, the driver and owner respectively of the offending Bolero bearing Registration No. C.G.-02/F/0080 that on the date of the incident, i.e., 06.12.2015, while the deceased was travelling in the said vehicle and when it reached near Bhairamgarh at Temarubhata turn, respondent No.1 drove the vehicle in a rash and negligent manner, lost control over it, and caused an accident, as a result of which the deceased sustained grievous injuries on various parts of his body and died on the spot; that the matter was duly reported to the concerned Police Station, whereupon a criminal case was registered against respondent No.1 and a charge-sheet was filed before the competent court; that at the time of the accident, the deceased was about 30 years of age, employed as a Forest Guard in the Forest Department, and earning Rs. 19,508/- per month, and the entire family was dependent upon his income; that due to his untimely and unnatural accidental death, the claimants filed a petition before the learned Motor Accident Claims Tribunal, South Bastar, Dantewada (C.G.); that upon service of notice, the respondents entered appearance and contested the claim; that the Tribunal, on the basis



of the pleadings and material available on record, framed four issues for adjudication, and the claimants examined their witnesses in support of their case; and that, after considering the evidence and perusing the record, the Claims Tribunal, vide its award dated 16.01.2018, granted compensation of Rs. 23,66,216/- in favour of the claimants.

3. The tribunal assessed the income of the deceased at Rs. 19,508/- per month i.e. Rs. 2,34,096/- per annum. After adding 50% of basic salary of Rs. 6,400/- towards future prospects i.e. Rs. 3,200/- $(3,200 \times 12) = 38,400$, the annual income comes to Rs. 2,72,496/-. After deduction of 1/2 of the income i.e. Rs. 1,36,248/- for personal expenses, the amount would be Rs. 1,36,248/- and considering the age of the deceased to be 30 years and the appellant/claimant is the wife of the deceased, the Tribunal applied the multiplier of 17 and calculated the total loss of dependency as Rs. 23,16,216/-. Further Rs. 25,000/- towards funeral expenses and Rs. 25,000/- towards loss of consortium has been awarded. Accordingly, the Claims Tribunal has awarded total compensation of Rs. 23,66,216/- in favour of the wife of the deceased with interest @ 9% per annum, from the date of application till its realization. Hence, this appeal for enhancement.
4. Learned counsel for the appellant/claimant submits that the claims Tribunal has awarded a sum of Rs. 23,66,216/- 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.

5. On the other hand, it has argued on behalf of the State that in the facts and circumstances of case, the compensation awarded by the Claims Tribunal is just and proper and requires no further enhancement.
6. I have heard learned counsel for the parties and perused the material available on record.
7. 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.
8. The Hon'ble Supreme Court in the matter of ***Hare Krushna Mahanta vs. Himadari Sahu & Another*** reported in ***2025 SCC Online SC 262*** has observed as under:-

*"9. We have heard the learned counsel for the parties. It is borne from the record that the Claimant-Appellant had agreed on the additional consolidated sum granted by the High Court. It is imperative for this Court, however, to reiterate that despite such consent, the objective when granting compensation under the Motor Vehicles Act, 1988, is to ensure just and fair compensation is paid to the aggrieved party. This came to be reiterated by this Court recently in ***Meena Devi v. Nunu****



Chand Mahto reported in **(2023) 1 SCC 204**, wherein it was observed:"

"17. The Tribunal/Court ought to award "just" compensation which is reasonable in the facts relying upon the evidence produced on record. Therefore, less valuation, if any, made in the claim petition would not be impediment to award just compensation exceeding the claimed amount."

9. 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.
10. The Tribunal keeping in mind the nature of occupation, date of accident, and also the evidence available on record, assessed the income of the deceased at Rs. 19,508/- per month which appears to be proper. Hence, accepting the income of the deceased Rs. 19,508/- per month, the annual income comes to Rs. 2,34,096/- per annum. As per **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680** after adding 50% towards future prospects i.e. Rs. 1,17,048/-, the annual income comes to Rs. 3,51,144/-.
11. Considering the fact that the deceased was aged about 30 years and the appellant/claimant is the wife of the deceased so deduction towards personal expenses would be 1/3 (Rs. 1,17,048/-) of the income and after deduction of the same the annual dependency comes to Rs. 2,34,096/-. 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 17, the total loss of dependency works out to Rs. 39,79,632/-. The claimant is 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 claimant is further entitled for Rs. (40,000X1+10%+10%) each (with increase of 10% in every three years) i.e. Rs. 48,000/- for consortium. Accordingly, the appellant/claimant i.e. wife of the deceased would become entitled for total compensation of Rs. 40,63,632/- in the following manner:-

S.No.	Heads	Calculation
01	Towards loss of dependency	Rs. 39,79,632/-
02	Towards consortium along with with increase of 10% in every three years (40,000X1+10%+10%)	Rs. 48,000/-
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. 40,63,632/-



12. Thus, the total compensation is recomputed as **Rs. 40,63,632/-**.

After deducting Rs. 23,66,216/- as awarded by the tribunal, the enhancement would be **Rs. 16,97,416/-**.

13. In the result, the appeal is **partly allowed**. The claimant/appellant i.e. wife of the deceased shall be entitled for the enhanced amount of **Rs. 16,97,416/-** 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
23.1.2026	28.2.2026	-	28.2.2026

Raghu Jat