



2026:CGHC:15183



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1487 of 2023

1 - Smt. Geetabai W/o. Late Sohan Lal, Aged About 35 Years Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh.

2 - Ku. Priyanka, D/o. Late Sohanlal, Aged About 21 Years Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh.

3 - Ku. Isha, D/o. Late Sohanlal, Aged About 17 Years Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh. Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh. (Appellant No. 3 And 4 Are Minor Through Their Mother Appellant No. 1 Geetabai)

4 - Ku. Gamini, D/o. Late Sohanlal, Aged About 15 Years Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh. (Appellant No. 3 And 4 Are Minor Through Their Mother Appellant No. 1 Geetabai)

5 - Shobharam, S/o. Late Laxman, Aged About 65 Years Caste - Halba, Resident Of Village - Borgaon, Tahsil Dondi, District - Balod, Chhattisgarh.

... Appellants

**versus**

1 - Vishwajeet Ray S/o. Adhirram, Aged About 42 Years Caste Namoshudra, Resident Of Village Ward No. 1, P.V. No. 40, Police Station And Tahsil Pakhanjur, District - North Bastar, Kakner, Chhattisgarh. (Driver)

2 - Vishvas Mandal, S/o. Vimal Mandal, Caste Namoshudra, Resident Of C/o. Subhash Goldar, Dharam Nagar, Pachpedi Naka, Raipur, District - Raipur, Chhattisgarh. (Owner)

3 - United India Insurance Company Limited, Bus Stand Road, Rajnandgaon, Branch Rajnandgaon, District - Rajnandgaon, Chhattisgarh. (Insurance Company)

... Respondents

For Appellants	:	Shri Amit Kumar Sahu, Advocate
For Respondent No.3	:	Shri Anil Gulati and Ms. Gunja Taram, Advocates

Hon'ble Shri Justice Sachin Singh Rajput**Order on Board****01/04/2026**

- 1.** This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') calls in question validity, correctness and judicial propriety of the award dated 4.4.2023 passed by the 1st Additional Motor Accidents Claims Tribunal, Balod, District Balod (Chhattisgarh) (for short 'Claims Tribunal') in Case No.153 of 2021.
- 2.** By the award impugned, learned Claims Tribunal has awarded compensation of Rs.17,25,000 on account of death of Sohanlal in an accident that occurred on 26.6.2021 by rash and negligent



driving of the offending vehicle truck bearing registration No.CG 04 LY 3461 driven by respondent No.1, owned by respondent No.2 and insured with respondent No.3.

- 3.** As per the pleadings of the claim application, the deceased was aged about 45 years. He was a driver and was also a cultivator. He was earning total Rs.12,000 per month. He met with the accident due to rash and negligent driving of the offending vehicle which resulted into his death. Total compensation of Rs.23,36,000 was claimed.
- 4.** Respondents No.1 and 2 and Respondent No.3/insurance company denied the averments of the claim application. Respondent No.3/insurance company also pleaded that the compensation claimed is exaggerative. On the date of accident, respondent No.1 did not have a valid and effective licence to drive the offending vehicle. The permit and fitness certificate of the offending vehicle were also not valid and effective on that date. There was violation of terms and conditions of the insurance policy of the offending vehicle. Therefore, the insurance company deserves exoneration from payment of any compensation.
- 5.** On the basis of above pleadings, learned Claims Tribunal framed issues and having decided them awarded the above stated compensation.



- 6.** Learned counsel for the appellants/claimants submits that the deceased was a driver and was also a cultivator. He was earning total Rs.12,000 per month. The entire family was dependent upon the income of the deceased. The Claims Tribunal erred in holding income of the deceased to Rs.10,000 per month. Learned counsel prays that a suitable enhancement may be made in the compensation.
- 7.** Learned counsel for respondent No.3/insurance company supports the impugned award. They submit that no documentary evidence is brought on record to support the income of the deceased. The learned Claims Tribunal has assessed the monthly income of the deceased rightly and has awarded just compensation. They submit that no interference is warranted.
- 8.** I have heard learned counsel appearing for the parties and perused the record of the learned Claims Tribunal with due care.
- 9.** As per pleadings of the claim application, the deceased was a driver. The employer of the deceased was also examined, who has stated that he had engaged the deceased as a driver of his vehicle and he was paying the deceased Rs.12,000 per month. Whenever he used to go outside the city, the deceased was paid additional stipend of Rs.300 per day. Learned Claims Tribunal found the monthly income of the deceased to Rs.10,000. Of course, the witness AW2 Makhanlal Pradhan has stated that he used to maintain a register of the salary of the deceased, however, that is not brought on record. But, this Court cannot lose its sight of the fact that normally if a person is engaged in a



private job, the necessary documents may not be available to prove his income. The accident had occurred on 26.6.2021 and as per the impugned award, widow of the deceased, his 3 daughters out of them 2 are minor and his father were dependent upon his income. In absence of any documentary evidence with regard to income and profession of the deceased, the Courts and Claims Tribunals are required to ascertain the facts and circumstances of the case and looking to the number of dependents notional income of the deceased can be fixed. In the case in hand, as stated above, there were 5 dependents upon the income of the deceased. Having gone through the statement of the employer of the deceased, minimum wages prevailing, skilled nature of job of the deceased and considering the totality of the facts and circumstances of the case, this Court is inclined to assess monthly income of the deceased to Rs.12,000.

- 10.** In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income (Rs.12,000 x 12 = Rs.1,44,000)	1,44,000
2	Income with Future Prospects	1,80,000



	(Rs.1,44,000 x 25% Future Prospects = Rs.36,000; Rs.1,44,000 + Rs.36,000 = Rs.1,80,000)	
3	Income after Deduction of Personal and Living Expenses of the Deceased (Rs.1,80,000 / 4 = Rs.45,000; Rs.1,80,000 - Rs.45,000 = Rs.1,35,000)	1,35,000
4	Loss of Dependency after Application of Multiplier (Rs.1,35,000 x 14 = Rs.18,90,000)	18,90,000
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Spousal Consortium to Wife	44,000
8	Parental and Filial Consortium (Rs.40,000 x 4 = Rs.1,60,000)	1,60,000
Total Compensation =		21,27,000
(-) Compensation Awarded by the Claims Tribunal =		17,25,000
Enhancement in Compensation =		4,02,000

- 11.** In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.4,02,000. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal, i.e., 29.8.2023 till final payment of the enhanced compensation. Respondent No.3/insurance company is directed to deposit the amount of compensation as enhanced by this Court along with the interest within a period of 60 days from the date of receipt of a copy of this order. On the deposit being made by the insurance company, a sum of Rs.1,50,000 shall be kept in a fixed deposit in a nationalised bank in the name of appellant No.1 for a period of two years. A sum of Rs.50,000 each, total Rs.1,50,000, shall be kept in fixed deposit in the



2026:CGHC:15183

same nationalised bank in the names of appellants No.2, 3 and 4 for a period of two years. A sum of Rs.50,000 shall be disbursed to appellant No.5. Remaining amount shall be disbursed to appellant No.1. Rest of the impugned award shall remain intact.

- 12.** Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
JUDGE