



2026:CGHC:13401

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1662 of 2019**

1 - Smt. Indu Vasnik W/o Late Pradeep Kumar Vasnik Aged About 50 Years R/o Maharani Ward, Behind Devansh Hotel, Jagdalpur, District- Bastar, Chhattisgarh.

2 - Ritesh Vasnik S/o Late Pradeep Kumar Vasnik Aged About 27 Years R/o Maharani Ward, Behind Devansh Hotel, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

3 - Kumari Parul Vasnik D/o Late Pradeep Kumar Vasnik Aged About 26 Years R/o Maharani Ward, Behind Devansh Hotel, Jagdalpur, District- Bastar, Chhattisgarh.

... Appellants**versus**

1 - Mohan Kashyap S/o Nadgu Kashyap Aged About 35 Years Occupation Truck Driver, R/o C/o Suresh Kumar Gandhi S/o Rameshwar Gandhi, Aged About 30 Years, R/o Main Road, Dornapal P.S. Dornapal, District- Sukma, Chhattisgrah.....(Driver)

2 - Suresh Kumar Gandhi S/o Rameshwar Gandhi Aged About

30 Years R/o Main Road, Dornapal, P.S. Dornapal, District-Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh

3 - The Oriental Insurance Company Limited Through The Branch Manager, Hotel Laxman Avenue, Medial College Road, Jagdalpur, District Bastar, Chhattisgrah.....(Insurance).

... Respondent(s)

For Appellants	: Mr. Praveen Dhurandhar, Advocate
For Respondent No. 3	: Mr. R.N. Pusty and Mr. Akash
	Shrivastava, Advocate

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20.03.2026

1. The instant appeal has been preferred by the appellants/claimants against the impugned award dated 15/03/2019 passed by the Motor Accident Claims Tribunal, Bastar Place Jagdalpur in Claim Case No. 194/2018 seeking enhancement of compensation awarded by the Claims Tribunal for the death of Pradeep Kumar Vasnik.
2. Learned counsel for the appellants/claimants would submit that on the date of accident, the deceased was aged about 50 years and 7 months, however, the Claims Tribunal has taken his age as 51 years and granted multiplier of 11 whereas it ought to have granted

multiplier of 13 after taking the age of the deceased as 50 years in light of the decision rendered by the Supreme Court in the matter of **Shashikala v. Gangalakshamma and Others**¹. He would further submit that the Claims Tribunal has only granted Rs. 30,000/- as loss of consortium to the two children of the deceased whereas it ought to have granted Rs. 40,000/- to each of them, therefore, the amount of compensation awarded by the Claims Tribunal is liable to be enhanced.

3. Learned counsel for respondent No. 3/Insurance Company would support the impugned award and submit that the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.
5. The Supreme Court, in the matter of **Shashikala** (supra) where the deceased was aged about 45 years 5 months and 28 days, held that for the purpose of award of compensation, since deceased had completed only 45

1 2015 (9) SCC 150

years, therefore, age to be taken as 45 and proceeded to grant compensation accordingly.

6. In the instant case, since on the date of the accident, deceased was aged about 50 years and 7 months, therefore, his age would be taken as 50 and accordingly, multiplier of 13 would be applied instead of 11. Moreover, the Claims Tribunal has erred in granted only Rs. 30,000/- as loss of consortium to the two children of the deceased whereas each of them should be granted Rs. 40,000/- i.e. Rs. 80,000 in total.

7. In view of the aforesaid, compensation is calculated below :-

Heads of Compensation	Compensation awarded by the Tribunal	Compensation awarded by this Court
Income	Rs. 66,842 x 12 = Rs. 8,02,104 – Rs. 72,920 (tax) = Rs. 7,29,184/-	Rs. 66,842 x 12 = Rs. 8,02,104 – Rs. 72,920 (tax) = Rs. 7,29,184/-
Future Prospect	(+) 15 % = Rs. 10,93,377/-	(+) 15 % = Rs. 10,93,377/-
Personal Expenses	(-) 1/3 rd = Rs. 5,59,042/-	(-) 1/3 rd = Rs. 5,59,042/-
Multiplier	(x) 11 = Rs. 61,49,462/-	(x) 13 = Rs. 72,67,546/-
Loss of Consortium to wife	Rs. 40,000/-	Rs. 40,000/-
Loss of Consortium	Rs. 30,000/-	Rs. 40,000/- x 2 =

to Children		Rs. 80,000/-
Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
Total	Rs. 62,49,462/-	Rs. 74,17,546/-

8. In view of the aforesaid analysis, the amount of compensation of Rs. 62,49,462/- awarded by the Claims Tribunal is enhanced to Rs. 74,17,546/-. Hence, the appellants are held entitled for an additional compensation of **Rs. 11,68,084/-**. Respondent No. 3 is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal i.e. 04/10/2018 till its realization. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is allowed and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(**Sanjay K. Agrawal**)
Judge

Harneet