



2026:CGHC:15407



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No. 1584 of 2023

Prabhat Kumar Agrawal, S/o Puranmal Agrawal, aged about 43 years (Now 45 Years),
R/o Ward No. 4, Nagar Panchayat, Bilha, Police Station And Tahsil Bilha, District
Bilaspur Chhattisgarh (Owner Of Truck No. C.G.-10-C-2834)

--- Appellant

Versus

1 - Smt. Laxmi Koshle, W/o Late Dushyant Koshle, aged about 32 years, R/o Village
Bhojpuri, P.S. Hirri, District Bilaspur Chhattisgarh.

2 - Chandrashekhar Koshle, S/o Late Mansharam Koshle, aged about 64 years, R/o
Village Bhojpuri, P.S. Hirri, District Bilaspur Chhattisgarh

3 - Smt. Ganeshiya Bai, W/o Chandrashekhar Koshle, aged about 60 years, R/o Village
Bhojpuri, P.S. Hirri, District Bilaspur Chhattisgarh.

4 - Ku. Khushboo Koshle, D/o Late Dushyant Koshle, aged about 10 years Minor,
Represented Through Mother Smt. Laxmi Koshle W/o Late Dushyant Koshle, R/o
Village Bhojpuri, P.S. Hirri, District Bilaspur Chhattisgarh.

5 - Ku.A Hansni Koshle, D/o Late Dushyant Koshle, aged about 6 years Minor,
Represented Through Mother Smt. Laxmi Koshle W/o Late Dushyant Koshle, R/o
Village Bhojpuri, P.S. Hirri, District Bilaspur Chhattisgarh.

6 - Dinesh Kumar Koshle, S/o Dayal Das Koshle, aged about 32 years Occupation
Driver, R/o Village Nipiniya, P.S. Bilha, District Bilaspur Chhattisgarh. C/o Prabhat
Kumar Agrawal S/o Puranmal Agrawal, Aged About 43 Yeara, R/o Ward No. 4, Nagar,
Panchayat, Bilha, Police Station And Tahsil Bilha, District Bilaspur Chhattisgarh (Driver
Of Truck No. C.G. - 10-C-2834)

--- Respondents

&

MAC No. 1989 of 2023

1 - Smt. Laxmi Koshle, W/o Late Dushyant Koshle, aged about 32 years, R/o Village
Bhojpuri, P.S. Hirri, District Bilaspur (C.G.),....(Claimants)

2 - Chandrashekhar Koshle, S/o Late Mansharam Koshle, aged about 64 years, R/o
Village Bhojpuri, P.S. Hirri, District Bilaspur (C.G.)

3 - Smt. Ganeshiya Bai, W/o Chandrashekhar Koshle, aged about 60 years R/o
Village Bhojpuri, P.S. Hirri, District Bilaspur (C.G.)



4 - Ku. Khushboo Koshle, D/o Late Dushyant Koshle, aged about 10 years Minor, Through Natural Guardian Mother Appellant No. 01, Smt. Laxmi Koshle W/o Late Dushyant Koshle, R/o Village Bhojpuri, P.S. Hirri, District Bilaspur (C.G.)

5 - Ku. Hansni Koshle, D/o Late Dushyant Koshle, aged about 6 Years Minor, Through Natural Guardian Mother Appellant No. 01, Smt. Laxmi Koshle W/o Late Dushyant Koshle, R/o Village Bhojpuri, P.S. Hirri, District Bilaspur (C.G.)

--- Appellants

Versus

1 - Dinesh Kumar Koshle, S/o Dayal Das Koshle, aged about 32 years, Occupation Driver, R/o Village Nipaniya, P.S. Bilha, District Bilaspur (C.G.) C/o Prabhat Kumar Agrawal S/o Purnamal Agrawal, Aged About 43 Years, R/o Ward No. 4, Nagar Panchayat, Bilha, P.S. And Tahsil Bilha, District Bilaspur (C.G.), (Driver Of Truck No. C.G. 10 C. 2834)

2 - Prabhat Kumar Agrawal, S/o Purnamal Agrawal, aged about 43 years, R/o Ward No. 4, Nagar Panchayat, Bilha, P.S. And Tahsil Bilha, District Bilaspur (C.G.), (Owner Of Truck No. C.G. 10 C. 2834)

--- Respondents

For Appellants	: Shri Goutam Khetrapal, Advocate.
For Claimants	: Ms. Priyanka Bajpai, Advocate.
For Respondent	, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

02/04/2026

1. Since these two appeals are arising out of the same award, they are being heard and decided by this common order.
2. The parties are referred to in accordance with their status before the Claims Tribunal.
3. M.A.(C) No. 1584 of 2023 has been filed by the Owner whereas M.A.(C) No. 1989 of 2023 has been filed by the claimants under Section 173 of Motor Vehicles Act, 1988 (for short 'MV Act'), challenging the award dated 23.08.2023 passed by the VIII Additional Motor Accident Claims Tribunal, District – Bilaspur (C.G.) (hereinafter referred to as "Tribunal") in Claim Case No. 383/2021.



4. By the impugned award, against a claim of Rs. 43,00,000/-, the learned Tribunal has awarded Rs.18,45,400/- along-with interest @ 9% as compensation in favour of the appellants / claimants on account of death of deceased Dushyant Koshle who died in an accident occurred on 13.02.2020 by rash and negligent driving of the offending vehicle truck bearing registration No. CG-10-C-2834 by its driver, Owned by appellant.
5. As per pleadings in the claim application filed under section 166 of the MV Act by the Claimants, on the date of accident i.e. 13.02.2020 the deceased Dushyant Koshle was going to pick-up his son from school by motorcycle, at about 03:15 PM; when he reached near Bhojpuri over bridge, at that time the driver of the offending vehicle Truck by rash and negligent driving dashed the motor-cycle of the deceased from behind ultimately severe injuries resulting into death. The report was lodged at Police Station - Hirri, pursuant to which Crime No. 23/2024 was registered, and an offence punishable under Section 304-A of the Indian Penal Code was registered against the driver of the offending vehicle and the charge-sheet was filed in the competent Court.
6. As per further pleadings deceased was working as a Driver and was earning Rs.15,000/- per month. The wife, daughters and parents are the claimants depending upon the income of the deceased.
7. The claim application was resisted by the driver and owner inter-alia pleading that the offending vehicle was parked on side of the road and deceased himself driving the motorcycle by rash and negligent manner dashed it from behind resulting into the accident and ultimately his death.
8. The learned Tribunal on the basis of above broad pleadings framed as many as six issues and decided the same in favour of the claimants and awarded the above stated compensation.
9. Learned counsel for the claimants vehemently submits that the learned Claims Tribunal has considered monthly income of the deceased Rs.8600/- whereas



on ample evidence on record to suggest that he was a skilled driver and earning Rs.15,000/- per month. Apart from this calculation of the compensation is also wrong. Thus compensation may be enhanced.

10. Learned counsel for owner opposes the submissions made by the learned counsel for the appellants and submits that the deceased himself was negligent in causing the accident. He dashed the stationary offending vehicle from behind and there was no negligent on the part of the driver of the offending vehicle. Amount of compensation is also on higher side which requires suitable deduction.
11. Heard the learned counsel for the parties, considered their rival submissions and also perused the record.
12. This Court would first deal with submissions of Shri Khetrapal, Advocate as to whether the deceased also contributed in causing the accident or he was solely responsible for the accident. Perusal of the evidence available on record would suggest that as per pleadings it is the driver of the offending vehicle which dashed to the motorcycle of the deceased from the behind. Though eye-witness AW-2 examined who has stated the same. However, in the cross-examination stated that he came to the spot later on. The driver of the offending vehicle examining himself tried to project a case that his vehicle was stationary and the deceased came from behind and dashed to him. In the opinion of the Court, this defense taken by the driver and owner appears to be a after thought. If the deceased dash the offending vehicle from behind, less possibility of any injury on the belly of the deceased. As per postmortem report is part of the record, his stomach was crushed and he died on the injuries received on the vital part of the body. Apart from this has to be seen that when the FIR was lodged against the driver of the offending vehicle and after due investigation charge-sheet was filed. He never made any complaint to higher officials for his wrong implication in the offence. Thus, it appears that in order



to avoid liability, the defence has been taken by the driver and owner of the offending vehicle belatedly. Thus, this contention is rejected. Second contention as to whether just compensation is awarded. Tribunal found the monthly income of the deceased to Rs.8600/- and awarded compensation as stated above. As per pleadings of the claim application that deceased was a driver. Apart from this, this Court is conscious of the fact that young widow of 32 years and minor daughter of 10 and 6 years and aged parents of 60 and 64 years were depending upon the income of the deceased. Every time it is not possible for claimants to produce documents with regard to the deceased. In general per nous, this Court can presumed that if a person is working as driver, he may not have any salary slip for private engagement.

13. Taking into consideration the above stated fact; nature of profession; number of dependents; date of accident and minimum wages of skilled labour prevailing at that point of time, this Court can safely assessed monthly income of the deceased to Rs.10,000/- per month. In the light of judgment of Hon'ble Supreme Court in the case of **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr., (2009) 6 SCC 121, National Insurance Co. Ltd. Vs. Pranay Sethi, (2017) 16 SCC 680 and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors, (2018) 18 SCC 130**, this court is reassessing the compensation as under :-

S.No.	Head	Calculation
1.	Yearly Income	Rs.1,20,000/- (10000 x 12)
2.	40% future prospect	Rs.48000/-
3.	Total Yearly Income	Rs.1,68,000/- (1,20,000 + 48000)
4.	After 1/4th deduction for personal expenses	Rs.1,26,000/- (1,68,000 - 42,000)
5.	Multiplier of 15 to be applied	Rs.18,90,000/- (1,26,000 X 15)
6.	Towards loss of estate and funeral	Rs.30,000/-
7.	Parental and Filial consortium	Rs.1,60,000/- (Rs.40,000/- appellant Nos. 2 to 5)



8.	Loss of consortium to wife	Rs.40,000/-
	Total compensation	Rs.21,20,000/-

16. Since the tribunal has already awarded Rs.18,45,400/-, after deducting the same from the above amount, the appellants / claimants are held entitled for additional compensation of Rs.2,74,600/- along with interest of 6% from the date of filing of this appeal i.e. 04.09.2023. The amount shall be deposited within a period of 60 days from the date of receipt of copy of this order. The learned Tribunal would pass appropriate order with regard to its apportionment, investment and disbursement.
17. In the result, the appeal filed by the claimants is allowed in part with modification in the award impugned to the above extent and appeal filed by owner is dismissed.

Sd/-
(Sachin Singh Rajput)
Judge