2026:CGHC:14972

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

<u>MAC No. 1731 of 2019</u>

- Branch Manager, The New India Insurance Company Limited (Correct Name Assurance), Akashwani Road, Jagdalpur, Gandhi Nagar Ward, Nearby M. M. Tower, Jagdalpur, District Bastar Chhattisgarh.........Non Applicant No. 03.

--- Appellant

versus

1. Dukaru Bharti S/o - Late Shri Laxman Bharti, Aged About 45 Years, Caste Bhatra (father of deceased);
2. Smt. Sukdei Bharti W/o - Late Shri Dukaru, Aged About 42 Years (Mother Of Deceased);
   Both R/o - Village Badedewda, Police Station Karpawand, Tahsil Bakawand, District Bastar, Chhattisgarh (Claimants).
3. Raghunath Kalar S/o - Shriram Kalar, Caste Kalar, Aged About 27 Years, (Driver Of Offending Vehicle), R/o - Village Motigaon, Tahsil Kodega, Police Station Kosagumda, District Nawrangpur Odisha (Non-Applicant No. 1).
4. Astu Kalar S/o - Shri Jitru Kalar, Aged About 35 Years, (Owner Of Vehicle), No. C.G.17-H/1553, R/o - Village Motigaon, Tahsil Kodega, Police Station Kosagumda, District Nawrangpur Odisha (Non-Applicant No. 2).

--- Respondents

For Appellant	:-	Ms. Swati Agrawal, Advocate, appears on behalf of Mr. Pankaj Agrawal, Advocate.
For Respondent No.2	:-	Mr. Kalpesh Ruparel, Advocate.

MAC No. 2094 of 2019

1. Dukaru Bharti S/o. Late Shri Laxman Bharti, Aged About 45 Years, Caste Bhatra, (Father Of Deceased);
2. Smt. Sukdei Bharti W/o. Shri Dukaru, Aged About 42 Years, (Mother Of Deceased);
   Both are R/o. Village Badedewda, Police Station Karpawand, Tahsil Bakawand, District Bastar, Chhattisgarh.

--- Appellants

Versus

1. Raghunath Kalar S/o. Shriram Kalar, Aged About 27 Years, Caste-Kalar, R/o. Village - Motigaon, Tahsil Kodega, Police Station Kosagumda, District Navrangpur, Odissa (Vehicle Driver).
2. Astu Kalar S/o. Shri Jitru Kalar, Aged About 35 Years, R/o. Village Motigaon, Tahsil Kodega, Police Station Kosagumda, District Navrangpur, Odissa (Vehicle Owner No. CG 17 H/1553).
3. Branch Manager, The New India Insurance Company Limited, Branch Aakashwani Road, Jagdalpur, District Bastar Chhattisgarh. (Insurance Company).

--- Respondents

For Appellants	:-	Mr. Kalpesh Ruparel, Advocate.
For Respondents No.1 & 2	:-	Mr. Arun Kumar Shukla, Advocate.
For Respondent No.3	:-	Ms. Swati Agrawal, Advocate, appears on behalf of Mr. Pankaj Agrawal, Advocate.

SB- Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

01.04.2026

1. Out of these two appeals, one has been filed by the Insurance Company seeking exoneration to pay the compensation amount to the claimants, whereas, the another appeal has been filed by the claimants seeking enhancement in the compensation amount. Since the common question of law and facts are involved in the present

two appeals and also both the appeals has arisen out of the same Claim Case No.176/2018, passed by the Motor Accident Claims Tribunal, Bastar, Place Jagdalpur, Chhattisgarh, vide order dated 29.06.2019 whereby the Claims Tribunal allowed the claimants' application for grant of compensation and granted compensation amount along with interest for death of Lalit @ Lallu @ Lalo Bharti, they have been clubbed together, heard together and are being decided by this common order.

2. Ms. Swati Agrawal, learned counsel for the Insurance Company, would submit that deceased was traveling in the offending vehicle as the member of the Barat Party and he was not the helper, therefore, Insurance Company is not liable to pay the compensation amount. She would further submit that if the deceased is treated as gratuitous passenger the principle of "pay and recover" may be applied and therefore, the appeal of the Claimants is liable to the dismissed and the appeal of the Insurance Company is liable to be allowed.

3. Mr. Kalpesh Ruparel, learned counsel for the claimants, would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. He would also submit that the Claims Tribunal erred in assessing income of deceased as ₹6,500/- per month which should be ₹7,930/- as per Chhattisgarh Minimum

Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh and also under the heads of consortium, funeral expenses and loss of estate less amount has been awarded by the Claims Tribunal which is liable to be enhanced, therefore, the appeal of the claimants be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Mr. Arun Kumar Shukla, learned counsel for the driver and owner of the offending vehicle, would submit that the owner and driver are not liable to pay the compensation amount.

5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records minutely.

6. Admittedly, the Claims Tribunal has clearly recorded a finding that the deceased was the helper relying upon the statement of owner of the vehicle whose liability is covered under the Insurance Policy (Ex.NA/2) and the offending vehicle is a light motor vehicle, such finding recorded by the Claims Tribunal is a correct finding of fact based on evidence available on record, therefore, the Insurance Company is liable to pay the compensation amount.

7. Learned Claims Tribunal assessed the monthly income of deceased to be ₹6,500/-, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of

Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be ₹7,930/- (as per minimum wages prescribed at relevant time) and ₹95,160/- per annum. Moreover, under the heads of loss of estate, funeral expenses and consortium the amount is also liable to be enhanced, as such, the compensation amount is liable to be enhanced.

8. Thus, in view of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi**[1], **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[2] and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	₹ 6,500 x 12 = ₹78,000/-	₹ 7,930 x 12 = ₹95,160/-
2.	Future Prospect	(+) 40% = ₹31,200/- total income = ₹ 78,000 + 31,200 = ₹1,09,200/-	(+) 40% = ₹38,064/- total income = ₹95,160 + 38064 = 1,33,224/-
3.	Deduction	(-) 1/2 = ₹ 54,600/- ₹1,09,200-54,600 = ₹54,600/- (total income)	(-) 1/2 = ₹ 66,612/- ₹1,33,224-66,612 ₹66,612/- (total income)
4.	Multiplier	(x) 18 = ₹ 54,600 x 18 = ₹9,82,800/-	(x) 18 = ₹66,612 x 18 = ₹11,99,016/-
5.	Loss of Estate	₹15,000/-	₹16,500/-

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

6.	Funeral Expenses	₹15,000/-	₹16,500/-
7.	Consortium	₹80,000/-	₹88,000/-
	Total	**₹10,92,800/-**	**₹13,20,016/-**

9. In view of the aforesaid analysis, the amount of compensation of **₹10,92,800/-** awarded by the Claims Tribunal is enhanced to **₹13,20,016/-**. Hence, after deducting the amount of **₹10,92,800/-**, the claimants are held to be entitled to an additional amount of **₹2,27,216/-**. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

10. Accordingly, this appeal filed by the Insurance Company i.e. MAC No.1731 of 2019 is dismissed and the appeal filed by the claimants i.e. MAC No.2094 of 2019 is partly allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit