



2026:CGHC:13579

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No. 1828 of 2024

1 - Smt. Maina Bai Yadav, W/o Late Rakesh Kumar Yadav, aged about 29 years, R/o Village Banroud, Police Station - Keregaon, Up Tahsil Kukrel, District Dhamtari, Chhattisgarh.

2 - Tridev Yadav, S/o Late Rakesh Kumar Yadav, aged about 8 years, Minor Through Natural Guardian Mother Smt. Maina Bai Yadav R/o Late Rakesh Kumar Yadav (Appellant No. 1), R/o Village Banroud, Police Station Keregaon, Up Tahsil Kukrel, District Dhamtari, Chhattisgarh

3 - Ku. Monika Yadav, D/o Late Rakesh Kumar Yadav, aged about 7 Years, Minor Through Natural Guardian Mother Smt. Maina Bai Yadav R/o Late Rakesh Kumar Yadav (Appellant No. 1), R/o Village Banroud, Police Station Keregaon, Up Tahsil Kukrel, District Dhamtari, Chhattisgarh

4 - Smt. Ramila Bai Yadav, W/o Late Chandrabhan Yadav, aged about 47 years, R/o Village Banroud, Police Station Keregaon, Up Tahsil Kukrel, District Dhamtari, Chhattisgarh. (Claimants)

--- Appellants

Versus

1 - Digvijay Sahu, S/o Tamleshwar Sahu, aged about 24 Years, R/o Ward No. 4, Village Gangoripar, Police Station And Tahsil Gurur, District Balod, Chhattisgarh. (Owner And Driver Of Offending Vehicle C.G.-24/ M-5551)

2 - IFCO Tokiyo General Insurance Company Limited, Through Branch Manager, Branch Office- Third Floor- 345-347, Lal Ganga Shopping Mall, G.E.. Road, Raipur, Tahsil And District Raipur, Chhattisgarh. (Insurer Of Offending Vehicle C.G.-24/ M-5551)

--- Respondents

For Appellants	: Ms. Gunja Taram, Advocate appeared on behalf of Shri Anil Gulati, Advocate.
For Respondent No.1	: Shri Bharat Lal Sahu, Advocate.
For Respondent No.2	: Ms. Shrishti Attal, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

20/03/2026

1. This appeal has been filed under Section 173 of Motor Vehicles Act, 1988 (for short 'MV Act') by the appellants/claimants, being aggrieved by the award dated 20.08.2024 passed by the Motor Accident Claims Tribunal, District – Dhamtari (C.G.) (hereinafter referred to as “Tribunal”) in Motor Accident Claims Case No. 67/2023.
2. By the impugned award, against a claim of Rs.43,50,000/-, the learned Tribunal has awarded Rs.19,68,560/- with interest at the rate of 6% per annum as



compensation to the appellants / claimants on account of the death of the deceased Rakesh Kumar Yadav in an motor vehicular accident that occurred on 05/01/2023 by the rash and negligent driving of the offending vehicle motor cycle bearing registration No. CG/24-M/5551.Driven and owned by respondent No. 1 and Insured by respondent No.2 (Insurance Company).

3. As per pleadings in the claim application filed under section 166 of the MV Act by the appellants/claimants, on the date of accident i.e. 05.01.2023 the deceased Rakesh Kuamr Yadav was returning home riding his motor-cycle, at about 11:00 PM (night), when he reached near near Village - Banrood Basti, the driver of the offending vehicle by rash and negligent driving dashed the motorcycle of the deceased was hit from behind, as a result of which he sustained severe injuries. and was admitted to D.K.S. Bhavan, Raipur during treatment he dead. The accident was reported to Police Station Keregaon, where Crime No. 25/2023 was registered against the driver of the offending vehicle.
4. As per further pleadings the deceased was a mason and was earning his livelihood at the rated of Rs.500/- per day.
5. The claim application was resisted by the respondent on various grounds including Insurance Company took a plea that the driver of the offending vehicle was not holding valid and effective driving license and there is a violation of terms and condition of Insurance Policy, therefore the insurance company may be exonerated.
6. On the basis of above broad pleadings, the learned Tribunal framed five issues and decided the same in favour of the appellants/claimants and awarded the above stated compensation.
7. Learned counsel for the appellants submits that compensation is on the lower side which requires suitable enhancement.



8. Learned counsel for respondent support the award and submits that the appellants/claimants could not brought any document on record to prove the income of the deceased, therefore just compensation has been awarded which does not require any interference.
9. Heard the learned counsel for the parties, considered their rival submissions and also perused the record.
10. So far as determination of age of the deceased to be 32 year is concerned, the same appears to be just and proper. Further the Tribunal was justified in making 1/4th deduction from the income of the deceased towards his personal and living expenses as the the number of dependents in this case are four. The date of incident is 05/01/2023. The learned Tribunal has assessed the monthly income of the deceased Rs.9,100/- per month which is absolutely on lower side. Looking to the evidence available on record, nature of work of the deceased, number of dependents which includes wife, two minor children aged about 8 and 7 years and mother of deceased and also prevailing minimum wages. The monthly income of the deceased can safely be taken at Rs.12,000/- i.e. Rs.01,44,000/- per annum. In view of the decision of Hon'ble Supreme Court in the matters 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**, the claimants are entitled for compensation in the following manner:-

S.No.	Head	Calculation
1.	Income of the deceased @ 12,000/- per month	Rs.12,000/- X 12 = Rs.1,44,000/- per annum
2.	Future prospect 40%	(1,44,000 + 57600) = Rs.2,01,600/-
3.	¼th deduction towards personal and living expenses of the deceased	(2,01,600- 50400) = Rs.1,51,200/-



4.	Multiplier of 16 to be applied	1,51,200 x 16 = Rs. 2,41,9200/-
5.	Towards loss of estate and funeral expenses	Rs.36,000/- (18,000 + 18,000) As awarded by the Tribunal
6.	Parental and filial consortium	Rs.1,20,000/- (Rs.40,000/- each to appellant no. 2 to 4)
7.	Loss of consortium to wife	Rs.48,000/- (As awarded by the Tribunal)
	Total compensation	Rs. 26,23,000/-

11. Since the tribunal has already awarded Rs.19,68,560/-, after deducting the same from the above amount, the claimants are held entitled for additional compensation of Rs.6,54,640/- with interest @ 6% per annum from the date of appeal i.e. 17/09/2024. The amount shall be deposited within a period of 60 days by the respondent No.2/Insurance Company.
12. After deposit Rs.1,00,000/- shall be invested as fixed deposit in a Nationalized Bank in the name of appellant No.1 for a period of 3 years and Rs.2,00,000/- (each) in the name of appellant no. 2 and 3 till they attain age of majority. Appellant No.1 shall be entitled to receive the interest Accrued on it. Rs.50,000/- shall be disbursed to appellant No.4. Remaining amount shall be paid to appellant no.1 through bank transaction/account payee cheque.
13. In the result, the appeal is allowed in part with modification in the award impugned to the above extent.

Sd/-

(Sachin Singh Rajput)
Judge