



2026:CGHC:9835



2026:CGHC:9835

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1221 of 2022

1. Smt. Shilmani Rathia W/o Late Rakesh Kumar Rathia Aged About 36 Years Caste Kanwar, R/o Village Kartala, Thana And Tahsil Kartala, District Korba Chhattisgarh. (Claimants)
2. Gitanjali D/o Late Rakesh Kumar Rathia Aged About 18 Years Minor, Through Legal Guardian Mother Smt. Shilmani Rathia Appellant No. 1 R/o Village Kartala, Thana And Tahsil - Kartala, District Korba Chhattisgarh.
3. Durgesh Kumar S/o Late Rakesh Kumar Rathia Aged About 15 Years Minor, Through Legal Guardian Mother Smt. Shilmani Rathia Appellant No. 1 R/o Village Kartala, Thana And Tahsil - Kartala, District Korba Chhattisgarh.
4. Natthu Singh S/o Sundar Singh Rathia Aged About 65 Years Caste Kanwar, R/o Village Kartala, Thana And Tahsil - Kartala, District Korba Chhattisgarh.
5. Smt. Ramkanwar W/o Shri Natthu Singh Aged About 60 Years Caste Kanwar, R/o Village Kartala, Thana And Tahsil - Kartala, District Korba Chhattisgarh.

... Appellant(s)

versus

1. Pitambar Singh Rathia S/o Bhuneshwar Singh Rathia R/o Village Ghotmar, Thana - Kartala, Tahsil And District Korba Chhattisgarh. (Driver Of The Offending Vehicle Tractor C.G. 12/b.B./2119)
2. Manbahal Rathia S/o Ranjit Singh R/o Ghotmar, Thana- Kartala, Tahsil And District Korba, Chhattisgarh. (Owner Of The Offending Vehicle Tractor Cg-12/b.B./2119).
3. The Orintal Insurance Company Limited, Through Divisional Manager, The Oriental Insurance Company Limited, And Address-Near Gitanjali Bhawan, Old Bus Stand Korba, Tahsil And District Korba Chhattisgarh. (Insurer Of The Offending Vehicle Tractor Cg-12/b.B./2119)

... Respondent(s)

For Appellants/Claimants	: Mr. Arjun Lal Singroul, Advocate
For Respondent No. 3/ Insurance Company	: Mr. R. N. Pusty, Advocate along with Mr. Aakash Shrivastava, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board



25.02.2026

1. The claimants have filed this appeal under Section 173 of Motor Vehicle Act assailing the judgment and award passed by the learned Motor Accident Claims Tribunal, Korba passed in Claim Case No. 79/2021 dated 12.05.2022, whereby the learned Tribunal granted compensation to the tune of Rs. 16,52,000/- at the rate of 6% per annum on account of death of Rakesh Kumar Rathiya.
2. The facts in brief are that on 11.02.2021 at around 11.30 am motorcycle of the deceased was dashed by Tractor bearing registration No. CG 12 BB 2119. In said accident, the deceased sustained injuries and succumbed to death. The claimants who are widow, two children and parents filed claim case under Section 166 of Motor Vehicle Act, wherein they pleaded that the age of the deceased was 40 years at the time of accident and earning Rs. 42,000/- from agriculture. They claimed a sum of Rs. 1,23,00,000/-. The Insurance Company filed reply and denied the averments made in the claim petition. The learned Tribunal framed issues, parties led evidence, and thereafter, award was passed.
3. Mr. Singroul would submit that the deceased was Sarpanch of Gram Panchayat and he was an agriculturist, thus, he was earning Rs. 42,000/- but the learned Tribunal has considered his income Rs. 10,000/- per month, which is at lower side. He would further contend that the learned Tribunal has not granted compensation for loss of consortium to claimants No. 2 to 5. He would pray to enhance the compensation.
4. On the other hand, learned counsel appearing for the respondents would oppose. They would submit that the learned Tribunal has granted just and proper compensation and appeal deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the record.



6. With regard to income, the learned Tribunal has recorded categorical finding that the claimants could not establish separate income from Office of Sarpanch, whereas, agricultural lands are still lying in the hands of the claimants. The learned Tribunal applied minimum wage matrix and assessed income of the deceased Rs. 10,000/-, which was payable to skilled labourer in the month of February, 2021, thus, the learned Tribunal has rightly assessed income part. With regard to loss of consortium, the learned Tribunal has granted compensation on this head to claimant No. 1 alone, whereas, claimants No. 2 to 5 being children and parents of the deceased, are equally entitled to receive compensation on this head. Thus, the compensation requires reconsideration and same is being revisited herein-below :-

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs. 10,000 x12 = Rs. 1,20,000/-	Rs. 10,000 x12 = Rs. 1,20,000/-
2.	Future Prospect	(25%) = 30,000/-	(25%) = 30,000/-
3.	Deduction	(-) 1/4 Rs. 37,500/- Rs. 1,12,500/-	(-) 1/4 Rs. 37,500/- Rs. 1,12,500/-
4.	Multiplier	(x) 14 = Rs. 15,75,000/-	(x) 14 = Rs. 15,75,000/-
5.	Loss of Estate	Rs. 16,500/-	Rs. 16,500/-
6.	Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
7.	Loss of consortium (for appellant No. 1)	Rs. 44,000/-	Rs. 44,000/-
8.	Loss of consortium (for appellant No. 2)	NIL	Rs. 44,000/-
9.	Loss of consortium (for	NIL	Rs. 44,000/-



	appellant No. 3)		
10.	Loss of consortium(for appellant No. 4)	NIL	Rs. 44,000/-
11.	Loss of consortium(for appellant No. 5)	NIL	Rs. 44,000/-
	TOTAL	Rs. 16,52,000/-	Rs. 18,28,000/-

7. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 16,52,000/- awarded by the tribunal is enhanced to **Rs. 18,28,000/-**. Hence, after deducting the amount of Rs. 16,52,000/-, the appellants/claimants are held entitled for an additional amount of Rs. **1,76,000/-**. The Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of copy of this order. The appellants shall not be entitled to receive any interest for the period of delay caused in filing this appeal. Rest of the conditions of impugned award shall remain intact.

8. Accordingly, the instant appeal is hereby **partly allowed**.

Sd/-
(**Rakesh Mohan Pandey**)
Judge

\$iddhant