



2026:CGHC:9939



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1908 of 2023**

1. Sahil Dewangan S/o Late Santosh Dewangan Aged About 16 Years (Represented Through His Uncle (Tauji) Namely Chhatlal Dewangan S/o Shri Bhaneshar Dewangan, Aged About 58 Years) Resident Of Ward No. 15, Bhilaigarh, Police Station And Tahsil-Bhilaigarh, District Balodabazar- Bhatapara (C.G.) (Claimant)
2. Jatin Dewangan S/o Late Santosh Dewangan Aged About 11 Years (Represented Through His Uncle (Tauji) Namely Chhatlal Dewangan S/o Shri Bhaneshar Dewangan, Aged About 58 Years) Resident Of Ward No. 15, Bhilaigarh, Police Station And Tahsil-Bhilaigarh, District Balodabazar- Bhatapara (C.G.) (Claimant)
... **Appellant(s)**

versus

1. Nemchand Yadav S/o Shyamlal Yadav Aged About 34 Years Resident Of Village- Basaiha, Police Station- Rajendragram, District- Anuppur (C.G.) Present Address- Vishnu Chowk, Tifra, Bilaspur, District- Bilaspur (C.G.) (Driver Of Vehicle Cg 10 C 5323)
2. Karan Vishwakarma S/o Shri Ashok Vishwakarma Aged About 28 Years Resident Of Vishnu Chowk, Tifra, Bilaspur, District- Bilaspur (C.G.) (Owner Of Vehicle Cg 10 C 5323)
3. New India Insurance Company Limited Through Its Branch Manager, Branch Office, Raipur Road, Balodabazar, District- Balodabazar- Bhatapara (C.G.) (Insurer Of Vehicle Cg 10 C 5323)
... **Respondent(s)**

For Appellants	:	Ms. Gunjan Rani Agrawal, Advocate
For Respondent No.2	:	Mrs. Swati Agrawal, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board**



26.2.2026

- 1) Heard on I.A. No. 1, application for condonation of delay in filing the appeal.
- 2) Learned counsel for the appellants submits that claimants have preferred this appeal with delay of 1343 days. She further submits that claimants who are sons of deceased were minors at the time of passing of award and due to paucity of funds, they could not prefer the appeal within limitation. She prays to condone the delay.
- 3) On the other hand, learned counsel appearing for Insurance Company would oppose.
- 4) Taking into consideration the submission made by Ms. Gunjan Rani Agrawal and the reasons assigned in application, I.A. No. 1 is allowed and delay of 1343 days caused in filing the instant appeal is hereby condoned.
- 5) With consent of the parties, matter is heard finally.
- 6) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by Motor Accident Claims Tribunal, Balodabazar Bhatapara in Claim Case No. 17/2019 dated 20.11.2019, whereby learned Tribunal has passed an award to the tune of Rs. 9,03,600/- with interest @ 9% on account of death of Santosh Dewangan.



- 7)** Facts of the present case are that on 14.3.2018 at about 2:30 pm, Santosh Dewangan was travelling in pick-up vehicle which was going from Bilaigarh to Bilari. When the pick-up vehicle reached Ghorabhata-Vijaynagar, the offending vehicle – Truck bearing registration No. CG-10-C-5323 dashed the pick-up vehicle. In the accident, Santosh Dewangan sustained grievous injuries and died on spot. Claimants, who are the sons of the deceased moved claim application and claimed compensation to the tune of Rs. 44,00,000/-. Learned Tribunal framed issues ; parties led evidence and award impugned was passed.
- 8)** Learned counsel for the appellants submits that though learned Tribunal has rightly assessed the income of deceased and granted appropriate compensation under conventional heads but failed to award separate compensation towards loss of consortium. She prays to modify the award accordingly.
- 9)** On the other hand, learned counsel appearing for the Insurance Company submits that learned Tribunal has awarded just and proper compensation.
- 10)** Heard learned counsel for the parties and perused the record with utmost circumspection.
- 11)** Admittedly, learned Tribunal has granted loss of income to the tune of Rs. 8,73,600/- and awarded Rs. 15,000/- each towards loss of estate and funeral expenses and respective compensation under these heads have not been disputed by the claimants.



However, learned Tribunal failed to grant separate compensation towards loss of consortium whereas claimants who are the sons of deceased are entitled to receive separate compensation towards loss of consortium as held by Hon'ble Supreme in the matter of ***Magma General Insurance Co. Ltd. V. Nanu Ram @ Chuhru Ram & Ors.***¹. Therefore, in my opinion, claimants are entitled to receive Rs. 40,000/- each along with an additional sum of 20%.

12) Accordingly, the amount of compensation of Rs.9,03,600/- awarded by the learned Tribunal is enhanced to Rs.9,99,600/-. Hence, the appellants are entitled for an additional amount of **Rs. 96,000/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above in addition to the award passed by learned Tribunal period of 60 days with interest @ 9% p.a. from date of application till its realization. The claimants shall not be entitled to receive any interest for the period of delay caused in filing this appeal.

13) Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Aj i n k y a

1. (2008) 18 SCC 130