



2026:CGHC:15406



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1910 of 2023

1 - Nehru Lal Dewangan S/o Late Anand Ram Dewangan, Aged About 61 Years R/o Sundar Nagar Police Station Purani Basti Raipur, District Raipur Chhattisgarh.

2 - Jitendra Dewangan S/o Nehru Lal Dewangan, Aged About 38 Years R/o Sundar Nagar Police Station Purani Basti Raipur, District Raipur Chhattisgarh.

3 - Himanshu Dewangan S/o Nehru Lal Dewangan, Aged About 35 Years R/o Sundar Nagar Police Station Purani Basti Raipur, District Raipur Chhattisgarh.

4 - Shashank Dewangan S/o Nehru Lal Dewangan, Aged About 31 Years R/o Sundar Nagar Police Station Purani Basti Raipur, District Raipur Chhattisgarh.

... Appellants

versus

1 - Asfak Quraishi S/o Mustak Quraishi, Aged About 40 Years (Driver Of Offending Vehicle) R/o House No. 158 Station Para, Audogik Ward No. 7, Police Station Kotwali, Dhamtari, Tahsil And District Dhamtari Chhattisgarh (Owner (Wrongly Mentioned Driver In Impugned Order) Of Offending Vehicle)

2 - Govind Lal Sahu S/o Shri Rameshwar Lal Sahu Aged About 35 Years R/o House No. 158 Station Para, Audogik Ward No. 7, Police Station Kotwali, Dhamtari, Thasil And District Dhamtari Chhattisgarh. (Owner (Wrongly Mentioned Driver In Impugned Order) Of Offending Vehicle)

3 - The Oriental Insurance Company Limited, Through Manager, The Oriental Insurance Company Limited R.K. Plaza, Pachpedi Naka, Raing Road No. 1, Raipur District Raipur Chhattisgarh (Insurer Of Offending Vehicle)

... Respondent(s)

For Appellants	:	Mr. S. P. Sahu, Advocate
For Respondent No.3	:	Mr. Rohistashva Singh on behalf of Mr. Sanjeev Pandey, Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

02.04.2026



- 1) This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short “MV Act”) has been preferred by the appellants/claimants, being aggrieved by the award dated 23.09.2023 passed by the learned 12th Motor Accident Claims Tribunal (for short learned Tribunal), Raipur District- Raipur (C.G.) in claim case No. 198/2023.
- 2) By the impugned award, the learned Tribunal has awarded compensation of Rs.09,03,980/- to the appellants/claimants on account of the death of deceased/Madhuri Dewangan in an accident that occurred on 18.12.2022 due to the rash and negligent driving of the offending vehicle (Bus) bearing Registration No. CG-05-J-1717 driven by respondent No. 1, owned by respondent No. 2 and insured with respondent No. 3.
- 3) As per the pleadings in the claim petition filed under Section 166 of the MV Act, 1988, the deceased was driving a car which was dashed into by the offending vehicle, resulting in her death on the spot. The deceased was aged about 62 years and was running a grocery shop, also involved in making cakes, earning Rs. 20,000/- per month. Accordingly, compensation of Rs. 38,40,000/- was claimed.
- 4) Respondent Nos. 1 and 2/driver and owner filed their written statements denying the averments made in the claim application. Respondent No. 3 (Insurance Company) in the usual course, also denied the averments and further pleaded that the driver of the offending vehicle did not possess a valid and effective driving licence, and that there was a breach of the terms and conditions of the insurance policy.



- 5) On the basis of the aforesaid pleadings, the learned Tribunal framed five issues and, after appreciating the material available on record, decided the same in favour of the appellants/claimants and awarded the aforesaid compensation.
- 6) Learned counsel for the appellants/claimants submits that the compensation awarded by the learned tribunal is on the lower side and income of the deceased has not been duly assessed. Hence, it is prayed that suitable enhancement be made by this Court.
- 7) Per contra, learned counsel for respondent No. 3/Insurance Company supports the impugned award and submits that just and reasonable compensation has been awarded by the learned Tribunal.
- 8) I have heard learned counsel for the parties and perused the record.
- 9) The learned Tribunal assessed the age of the deceased at 56 years. In the absence of any documentary evidence on record regarding her income and occupation, the Tribunal considered the minimum wages at Rs.7,800/- per month. It further added 10% towards future prospects to the said income. After deducting one-fourth towards personal expenses and applying a multiplier of 9, the Tribunal awarded Rs.6,94,980/- towards loss of dependency. Additionally, a sum of Rs.44,000/- was awarded to each of the claimants towards loss of consortium, along with Rs.16,500/- towards loss of estate and Rs.16,500/- towards funeral expenses. Thus, the total compensation awarded amounts to Rs.9,03,980/-.
- 10) Learned counsel for the appellants/claimants tried to persuade that the income of the deceased was more than Rs. 20,000/- per month. However, upon perusal of the record, it is evident that the appellants/claimants have failed to



substantiate the said claim with any cogent evidence. Furthermore, appellant Nos. 2 to 4 are major sons of the deceased aged between approximately 31 to 38 years.

11) In the considered view of this Court, the learned Tribunal has rightly assessed the income of the deceased in the absence of any cogent and reliable evidence on record, and the impugned award does not suffer from any perversity, illegality, or material irregularity so as to warrant interference by this Court.

12) Consequently, the appeal being devoid of merits is hereby **dismissed**.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari