



2026:CGHC:13580



NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.A.(C) No. 2188 of 2024**

1 - Smt. Shakuntala Devi, Wd/o Late Sabhapati Yadav, aged about 59 years, R/o 24/5, Ward No. 5, Near Patel Bakery, Supela Bazar, Supela, Bhilai, District Durg, Chhattisgarh. (Claimants)

2 - Smt. Sadhana Yadav, W/o Saurabh Yadav, aged about 31 years, R/o 24/5, Ward No. 5, Near Patel Bakery, Supela Bazar, Supela, Bhilai, District Durg, Chhattisgarh.

3 - Smt. Rinku Yadav, W/o Sanjay Yadav, aged about 33 Years, R/o 24/5, Ward No. 5, Near Patel Bakery, Supela Bazar, Supela, Bhilai, District Durg, Chhattisgarh.

4 - Smt. Kiran Yadav, D/o Late Shri Sabhapati Yadav, aged about 28 Years, R/o 24/5, Ward No. 5, Near Patel Bakery, Supela Bazar, Supela, Bhilai, District Durg, Chhattisgarh.

**--- Appellants**

**Versus**

1 - Vinay Kumar Yadav, S/o Ramjeet Yadav, aged about 31 Years, R/o Manikpur, Post Samadganj, Thana Sikrara, Tehsil Machlisahar, District Jaunpur, (U.P.) (Driver)

2 - Sonu Gupta, S/o Baijnath Gupta, aged about 35 years, R/o Village Ishwarpur @ Salhadipur, Potriya, Thana Khuthan, District Jaunpur, (U.P.) (Owner)

3 - United India Insurance Company Limited Through Its Branch Manager, Paras Complex, Station Road, Near Gurudwara, Thana Mohan Nagar, Durg, Tehsil And District Durg, Chhattisgarh. (Insurance Company)

**--- Respondents**

|                     |                                 |
|---------------------|---------------------------------|
| For Appellants      | : Ms. Santoshi Yadav, Advocate. |
| For Respondent No.3 | : Shri B.N. Nande, 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 15.07.2024 passed by the IV Additional Motor Accident Claims Tribunal, District – Durg (C.G.) (hereinafter referred to as “Tribunal”) in Motor Accident Claim Case No. 565/2022.



2. By the impugned award, against a claim of Rs.20,00,000/-, the learned Tribunal has awarded compensation of Rs.5,64,000/- in favour of the appellants / claimants on account of death of the deceased Sabhapati Yadav in an accident that occurred on 29/06/2022 by rash and negligent driving of offending vehicle Truck bearing registration No. UP/62/BT/0078 driven by respondent No. 1 / driver, owned by respondent No. 2 / owner and insured with the respondent No. 3 / 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. 29.06.2022 the deceased Sabhapati Yadav with his brother was coming from Gorakhpur to Bhilai riding his Car, at about 05:40 AM (Morning), when they reached near Village - Tara, the driver of the offending vehicle by rash and negligent driving dashed the Car of the deceased, as a result of which he suffered severe injuries and died on the spot.
4. As per pleadings of the claim application, on 24/06/2016 deceased Netram Sahu was going to Village – Kharsiya on the way the driver of the offending vehicle by rash and negligent driving dashed the motorcycle of the deceased As a result deceased sustained severe injuries and died on the spot. The accident was reported to Police Station – Premnagar, District – Surajpur. The deceased was employed as a Supervisor at Babina Bar, Supela, Bhilai, under the proprietorship of Smt. Maya Devi Yadav. In addition, the deceased owned 25 acres of land and was engaged in agricultural activities. The deceased was aged about 64 years and was earning Rs.20,000/- per month.
5. The claim application was resisted by the respondents on various grounds including respondent No. 3 / Insurance Company that accident occurred due to self negligence of the driver and taking a plea that the driver of offending vehicle was not holding valid and effective driving license, there is violation of



the terms and condition of the Insurance Policy. Hence the Insurance Company may be exonerated.

6. The learned Tribunal framed five issues on the basis of above broad pleadings, and decided the same in favour of the appellants / claimants and awarded above stated compensation.
7. Learned counsel for the appellants argues that the monthly income of the deceased was Rs.20,000/- and the Tribunal assessed monthly income of the deceased to Rs.8000/- which is on lower side and the amount on the other head is also on lower side which requires suitable enhancement by this Court.
8. Learned counsel for respondents supports the award and submit that salary certificate has rightly been disbelieved because apart from this issuing authority has not been examined, 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. Considering the evidence available on record, nature of job, minimum wages prevailing, number of dependents, age of the deceased was at about 64 years and looking to the date of incident i.e. 29/06/2022. 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**, this court is reassessing the compensation in the following manner :-



| S.No. | Head                                        | Calculation                                                             |
|-------|---------------------------------------------|-------------------------------------------------------------------------|
| 1.    | Income of the deceased @ 8000/- per month   | Rs.8000/- X 12 =<br>Rs.96,000/- per annum<br>As awarded by the Tribunal |
| 2.    | After 1/3 deduction for personal expenses   | Rs.64,000/-<br>(96,000 – 32000)                                         |
| 5.    | Multiplier of 7 to be applied               | Rs.4,48,000/-<br>(52,000 x 7 )                                          |
| 6.    | Towards loss of estate and funeral expenses | Rs.33,000/-                                                             |
| 7.    | Loss of consortium                          | Rs.44,000/-                                                             |
| 8.    | Parental consortium                         | Rs.1,20,000/-<br>(Rs.40,000/- each to<br>appellant Nos. A-2 to A-4)     |
|       | <b>Total compensation</b>                   | <b>Rs.06,45,000/-</b>                                                   |

11. Since the tribunal has already awarded Rs.05,64,000/-, after deducting the same from the above amount, the claimants are held entitled for additional compensation of Rs.81,000/- with interest @ 6% per annum from the date of from the date of claim application till realization. The amount shall be deposited by respondent No.3 / Insurance company within a period of 60 days from the date of receipt of copy of this order. Amount shall be paid to appellant No.1 by bank transaction / account payee cheque.

In the result, the appeal is allowed in part with modification in the award impugned to the above extent.

**Sd/-**

**(Sachin Singh Rajput)**  
**Judge**