



2026:CGHC:20918

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2218 of 2019**

1 - Smt. Gurwari Bai W/o - Late Gendram Sahu Aged About 48 Years
R/o Village - Khemda Tehsil - Malkharoda P.S.- Dabra District - Janjgir-
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

2 - Minor Deepak Kumar S/o - Late Gendram Sahu Aged About 17
Years Minor Through Natural Guardian Mother Smt. Gurwari Bai W/o -
Late Gendram Sahu, Aged About 48 Years, R/o Village - Khemda Tehsil
- Malkharoda P.S.- Dabra District - Janjgir-Champa Chhattisgarh,
District : Janjgir-Champa, Chhattisgarh

3 - Minor Ku. Babli D/o - Late Gendram Sahu Aged About 13 Years
Minor Through Natural Guardian Mother Smt. Gurwari Bai W/o - Late
Gendram Sahu, Aged About 48 Years, R/o Village - Khemda Tehsil -
Malkharoda P.S.- Dabra District - Janjgir-Champa Chhattisgarh,
District : Janjgir-Champa, Chhattisgarh

... Appellant**Versus**

1 - Darshan Singh Jatt S/o - Laabh Singh Jatt Aged About 48 Years R/o
- Pandi Pachauna Baadsau District- Patiala District- Punjab, District :
Patiala, Punjab

2 - United Insurance Company Limited Main Road, Korba Chhattisgarh,
District : Korba, Chhattisgarh

3 - Kirtibai D/o Late Gendram Sahu Aged About 32 Years W/o Tukaram
R/o - Chantipali Tehsil - Malkharoda P.S.- Dabra District- Janjgir-
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

4 - Radhika D/o - Late Gendram Sahu Aged About 31 Years W/o -
Kamlesh R/o - Khamhariya P.S.- Baradwar Present R/o - Ranipara,
Janjgir District- Janjgir-Champa Chhattisgarh, District : Janjgir-Champa,
Chhattisgarh

5 - Babita D/o- Late Gendram Sahu Aged About 26 Years W/o - Dinesh
R/o - Khamhariya P.S. - Baradwar Present R/o - Ranipara, Janjgir
District- Janjgir-Champa Chhattisgarh, Chhattisgarh

6 - Naval Kishore S/o Late Gendram Sahu Aged About 28 Years Village
- Khemda, Tehsil- Malkharoda P.S. Dabra District- Janjgir-Champa
Chhattisgarh, District : Janjgir-Champa, Chhattisgarh



... Respondents

[Cause-title taken from Case Information System (CIS)]

For Appellants : Mr. Basant Dewanga, Advocate
For Respondent No.2 : Mr. Dashrath Gupta, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal**(Order on Board)****05.05.2026**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants seeking enhancement of amount of compensation, challenging the impugned award dt. 27.02.2019, whereby learned Claims Tribunal has awarded a total sum of Rs.6,50,800/- as compensation for the death of Gendram Sahu, who died in a road accident took place on 27.11.2015.
2. Learned counsel for the appellants would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in not awarding any amount on the head of loss of parental consortium for the appellants No.02 & 03, for which, they are entitled for Rs.40,000/- X 2 = Rs.80,000/-. Therefore, to that extent, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for the respondent No.02 would submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference. He also submits that in counter appeal being MAC-1436-2019 (United India Insurance Company Limited vs. Smt. Guruwari Bai and others) decided on



31.10.2023, the insurance company has been exonerated from the liability to pay compensation to the claimants and doctrine of pay and recover has been applied.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In the case at hand, learned Claims Tribunal, on the head of loss of consortium has only awarded Rs.40,000/- to the appellant No.01 and has not awarded any amount for the appellants No.02 & 03 and, therefore, on the head of loss of parental consortium for the appellants No.02 & 03, Rs.40,000/- X 2 = Rs.80,000/- is awarded to them. Thus, the amount of compensation of Rs.6,50,800/- awarded by the Claims Tribunal is enhanced to Rs.7,30,800/-. Hence, after deducting the amount of Rs.6,50,800/-, the appellants are held entitled for an additional amount of **Rs.80,000/-**. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal till its realization. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of copy of this order. Since, in counter appeal being MAC-1436-2019 (United India Insurance Company Limited vs. Smt. Guruwari Bai and others) decided on 31.10.2023, the insurance company has been exonerated from the liability to pay compensation to the claimants and doctrine of pay and recover has already been applied, the concerned respondent No.02 (Insurance Company) is



directed to firstly pay the amount of compensation to the claimants and, thereafter, recover from the driver-owner of the offending vehicle. Rest of the conditions of the impugned award shall remain intact.

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

sd/-
(Sanjay K. Agrawal)
Judge

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