



2026:CGHC:13578

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 46 of 2024

1. Smt. Vidya Wd/o Late Banarasi Aged About 50 Years, R/o Village Chandharpur, Police Station Bhatgaon, Tahsil Bhaiyathan, District Surajpur (C.G.)
- 2 - Ashish Gupta S/o Late Banarasi Aged About 30 Years, R/o Village Chandharpur, Police Station Bhatgaon, Tahsil Bhaiyathan, District Surajpur (C.G.)
- 3 - Sandeep Gupta S/o Late Banarasi Aged About 21 Years, R/o Village Chandharpur, Police Station Bhatgaon, Tahsil Bhaiyathan, District Surajpur (C.G.)
4. Ramkhilavan S/o Late Prayag Aged About 76 Years, R/o Village Chandharpur, Police Station Bhatgaon, Tahsil Bhaiyathan, District Surajpur (C.G.) (Claimant)
5. Usha Gupta D/o Late Banarsi, W/o Jitendra Kumar Gupta Aged About 36 Years R/o Village Jigadi, Post Basen, Police Station Pasta, District Balrampur (C.G.)
6. Aarti Gupta D/o Late Banarsi, W/o Ajit Kumar Gupta Aged About 35 Years R/o Village Bitauli, Police Station And Tahsil Batauli, District Sarguja (C.G.)

...Appellants/Claimants

versus

1. Krishna Kumar Tiwari S/o Late Yaduvansh Tiwari aged about 62 years Occupation Driver, R/o Ratu Road, Behind Shradhanand School, Chanakyapuri, Police Station Ratu, District Ranchi (Jharkhand) (Non-Applicant No.1/ Driver Of Vehicle No. CG/15/AC/4574)
2. Bhimsen Jain S/o Late Chiranjilal Jain aged about 50 years Occupation Vehicle Owner, R/o Bhaiyathan Road Surajpur, Police Station, Tahsil And

District Surajpur (C.G.) (Non Applicant No.2/ Owner of Vehicle No. CG/15/AC/4574)

3 - United Indian Insurance Co. Ltd. Bramh Road, Above Kumkum Hotel, Ambikapur, Police Station And Tahsil Ambikapur, District Sarguja (C.G.) (Non Applicant No.3/ Owner Of Vehicle No. CG/15/AC/4574)

... Respondents

For appellants : Shri Akash Shrivastava, Advocate

For Respondent : Shri Dashrath Gupta, Advocate

No.3

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board dated 20.03.2026

This appeal arises out of the award dated 04.08.2023 passed by Additional Motor Accident Claims Tribunal (for short the "Tribunal") Surajpur, District Surajpur in Claim Case No. 168/2021 awarding a compensation of Rs. 80,80,414/- in favour of the appellants/claimants.

2. Facts of the case in brief are that on 22.08.2021 at about 10 PM when deceased Banarsi Gupta was going to his workplace at Shivani Khadan Banshipur on his motorcycle bearing registration No. CG-15-DH-2079, then near Kapsara turning, the offending vehicle – truck bearing registration No. CG-15-AC-4574 driven by respondent No. 1 rashly and negligently and hit the deceased and who died on the spot.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 1,06,43,886/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs. 80,80,414/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Counsel for the appellants submits that the assessment of the income of the deceased is on the lower side and needs enhancement. He submits that though the deceased being a pump operator in SECL and was earning Rs. 1,03,064/- per month, the Tribunal has taken it at Rs.10,31,938/- per annum and thus committed an illegality in so doing. Same, according to him, is the position with the amount awarded on other heads also, and being so the compensation awarded is required to be enhanced.

6. On the other hand, counsel for the respondent No.3 has supported the award impugned and submitted that the accident occurred on account of the negligence of the rider of the motorcycle himself and therefore the claimants are not entitled for any enhancement in the awarded sum.

7. Heard counsel for the parties and perused the documents on record.

8. On hearing counsel for the parties and perusal of the record and also in view of the decision of the Supreme Court in the matter of **Ningamma & Anr vs United India Insurance Co.Ltd** reported in **2009 (13) SCC 710**, this Court deems it fit to award further sum of Rs. 40,000/- each to claimants/appellants No. 2 to 6 totalling to Rs. 2,00,000/-, towards parental and filial consortium to make the compensation just. Order accordingly.

9. Respondent No. 3 is directed to deposit an additional sum of Rs. 40,000/- each (A2 to A6) within a period of 60 days from today, otherwise it will be liable to pay interest of @6% from the date of this order.

10. Appeal thus allowed in part.

Sd/-

(Sachin Singh Rajput)
Judge