



2026:CGHC:9938



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2298 of 2025**

1. Smt. Vindhyabai Kosale W/o Late Surendra Kosale Aged About 30 Years R/o Village Gaurbhath Police Station Arang District- Raipur (C.G.) (Claimants )
2. Minor Ku. Khileshwari Kosale D/o Late Surendra Kosale Aged About 13 Years Through Their Natural Guardian Mother Smt. Vindhyabai Kosale ) R/o Village Gaurbhath Police Station Arang District- Raipur (C.G.)
3. Minor Dushyant Kosale S/o Late Surendra Kosale Aged About 12 Years Through Their Natural Guardian Mother Smt. Vindhyabai Kosale ) R/o Village Gaurbhath Police Station Arang District- Raipur (C.G.)
4. Manikram Kosale S/o Late Jethuram Kosale Aged About 61 Years R/o Village Gaurbhath Police Station Arang District- Raipur (C.G.)
5. Smt. Bhagabai Kosale W/o Manikram Kosale Aged About 56 Years R/o Village Gaurbhath Police Station Arang District- Raipur (C.G.)

**... Appellant(s)****versus**

1. Purshottam Chandrakar S/o Baldau Chandrakar Aged About 32 Years R/o Village Bemcha, Police Station And Tahsil Mahasamund, District- Mahasamund (C.G.) (Driver Of Activa No. C.G. -04-Pj-2963)
2. Nitesh Kumar Verma S/o Umashankar Verma Aged About 40 Years R/o Village Tikuliya Gandhi Chouk, Police Station Bhatapara , District - Balaudabazar (C.G.) (Owner Of Activa No. C.G. -04-Pj-2963)
3. Branch Manager The I.C.I.C.I. Lombard General Insurance Company Ltd. Sky Park 5th Floor In Front Of Dr. Bhatiya Nursing



Home Canal Link Road, Civil Line Raipur, District - Raipur (C.G.) (Insurer Of Acura No. C.G. -04-Pj-2963)

... Respondent(s)

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For Appellants       | : | Mr. Devesh G. Kela, Advocate      |
| For Respondent No. 3 | : | Ms. Gunjan Rani 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 234 days. He further submits that claimants are poor persons residing in remote area and due to paucity of funds, they could not prefer the appeal within limitation. He 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 Mr. Kela and the reasons assigned in application, I.A. No. 1 is allowed and delay of 234 days caused in filing the instant appeal is hereby condoned.
- 5) With consent of the parties, matter is heard finally.
- 6) By way of this appeal, claimants have challenged the award passed by the Principal Motor Accident Claims Tribunal,



Mahasamund in Claim Case No. H-15/2024 dated 23.11.2024 whereby learned Tribunal has passed an award to the tune of Rs. 22,60,160/- with interest @ 9% per annum on account of death of Surendra Kosale.

- 7) Facts of the present case are that on 24.10.2023, Surendra Kosale was going from Arang to Village Haurabhata along with his brother Sunil Kosale on motorcycle. When they reached Durga Mandir, Village Goida at 10:00 pm, the offending vehicle – HONDA Activa bearing registration No. CG-04-PJ-2963 being driven in rash and negligent manner, dashed the motorcycle from rear. In the accident, Surendra Kosale sustained grievous injuries and died on spot. Claimants, who are the widow, minor children and parents of deceased filed claim case claiming therein compensation to the tune of Rs. 40,40,000/-. They pleaded that age of the deceased was 32 years ; he was working as Motorcycle Mechanic and used to earn Rs. 15,000/- per month. Learned Tribunal framed issues ; parties led evidence and thereafter, award was passed.
- 8) Learned counsel appearing for the claimants submits that deceased was a mechanic and used to earn Rs. 15,000/- per month but learned Tribunal has assessed the monthly income to the tune of Rs. 10,100/- treating him to be an unskilled laborer overlooking the clinching evidence led by the claimants. He prays to modify the award accordingly.



- 9)** On the other hand, learned counsel appearing for the Insurance Company would oppose. She submits that claimants failed to prove that deceased was a mechanic and no documentary evidence was led in this regard, therefore learned Tribunal rightly arrived at the figure of Rs. 10,100/- on the basis of minimum wage matrix applicable at the relevant time. She further submits that the amount of compensation awarded by the learned Tribunal to the claimants cannot be said to be on lower side, rather it is just and proper in the given facts and circumstances of the case and does not call for any interference.
- 10)** I have heard learned counsel appearing for the respective parties, considered their rival submissions made herein above and carefully perused the documents placed on record.
- 11)** A careful perusal of record would show that claimants pleaded that deceased was a mechanic. In evidence, Smt. Vidyabai Kosale (AW/1), wife of deceased stated that her husband was a motor mechanic and used to earn Rs. 15,000/- per month. However, she admitted that she could not lead documentary evidence to prove the same. Sunil Kosale (AW/2), brother of deceased who was pillion rider proved the factum of motor accident.
- 12)** It is not in dispute that claimants failed to lead documentary evidence to prove that deceased was motor mechanic i.e. a skilled laborer. Thus, learned Tribunal considered the deceased to



be unskilled laborer and assessed the monthly income to the tune of Rs. 10,100/- on basis of minimum wage matrix applicable at relevant time.

- 13)** From the discussion made hereinabove, it is quite clear that no evidence was led by the claimants to prove that deceased was a mechanic. It is well settled principle of law that in absence of any direct or corroborative evidence on record, it cannot be assumed that the deceased was a skilled laborer, therefore learned Tribunal rightly treated the deceased to be unskilled laborer.
- 14)** Evidently, learned Tribunal granted 40% of established income towards future prospect ; deducted 1/4 dependency towards personal expenses of deceased and applied multiplier of 16 looking to age of deceased. Learned Tribunal also awarded Rs. 15,000/- each towards loss of estate and funeral expenses and Rs. 2,00,000/- towards loss of consortium. In my opinion, learned Tribunal awarded appropriate compensation under these heads.
- 15)** Taking into consideration the above-discussed facts, in my considered opinion, learned Tribunal has awarded just and proper compensation and no case is made out for interference. Consequently, this appeal fails and is hereby **dismissed**.

Sd/-  
(**Rakesh Mohan Pandey**)  
JUDGE