



CGHC010105572024

2026:CGHC:43192

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 680 of 2024

1 - Smt. Anju Kurre Wd/o Late Jaleshwar Kurre Aged About 22 Years R/o Village - Barchha (Sildaha), Police Station And Tahsil- Pathriya, District Mungeli, Chhattisgarh.

2 - Kumari Anshika Kurre D/o Late Jaleshwar Kurre Aged About 3 Years Minor Through The Mother (Natural Guardian) Smt. Anju Kurre (Appellant No. 01), R/o Village - Barchha (Sildaha), Police Station And Tahsil- Pathriya, District Mungeli, Chhattisgarh.

3 - Rudrans S/o Late Jaleshwar Kurre Aged About 1 Years Minor Through The Mother (Natural Guardian) Smt. Anju Kurre (Appellant No. 01), R/o Village - Barchha (Sildaha), Police Station And Tahsil- Pathriya, District Mungeli, Chhattisgarh.

4 - Jagadish Kurre S/o Tularam Kurre Aged About 50 Years R/o Village - Barchha (Sildaha), Police Station And Tahsil- Pathriya, District Mungeli, Chhattisgarh.

5 - Smt. Kaushilya Kurre W/o Jagdish Kurre Aged About 44 Years R/o Village - Barchha (Sildaha), Police Station And Tahsil- Pathriya, District Mungeli, Chhattisgarh.

... Appellant(s)

versus

1 - Melvin Martin S/o Martin Fransis Aged About 31 Years R/o Kidji School, Subhash Colony, Jhalawar (Rajsthan), (Driver Of The Vehicle Mahindra (Thar) Car No. R J 17-C B—4839)

2 - Alukutti J Kerkil Josaf W/o Martin Fransis Aged About 58 Years R/o Kidji School, Subhash Colony, Jhalawar (Rajsthan), (Owner Of The Vehicle Mahindra (Thar) Car No. R J 17-C B—4839)

3 - Branch Manager S.B.I. General Insurance Company Limited, Branch Office- 2nd Floor, Shop No. 207 And 208, Rama Port Vyapar Vihar, Main Road, Bilaspur, Police Station - Civil Line, Tahsil And District- Bilaspru, Chhattisgarh. (Insurer Of The Vehicle Mahindra (Thar) Car No. R J 17-C B--4839)

... Respondent(s)

For Appellants	: Mr. Anand Kesharwani, Advocate
For Respondent No.3	: Mr. Ghanshyam Patel, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(06.10.2026)

1. This appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988 by the appellants/claimants assailing the award dated 02.09.2023 passed by the 1st Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (C.G.), in Claim Case No. 673/2022, whereby the Tribunal has awarded a total compensation of Rs.22,17,776/- on account of the death of Jaleshwar Kurre, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 25.01.2022.
2. Learned counsel appearing for the appellants submits that the amount awarded under the conventional heads is on the lower side and deserves suitable enhancement in accordance with the settled principles of law. It is, therefore, prayed that the compensation awarded under the conventional heads be suitably enhanced.

3. Per contra, learned counsel appearing for respondent No.3/Insurance Company supports the impugned award and submits that the compensation awarded under conventional heads is just, fair and reasonable and does not warrant any interference by this Court.
4. Heard learned counsel for the parties and perused the record of the case, including the impugned award.
5. Upon perusal of the impugned award, it is evident that the Tribunal has awarded a sum of Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- each to five claimants, i.e. Rs.2,00,000/- towards loss of consortium, aggregating to Rs.2,30,000/- under the conventional heads.
6. Since the accident occurred on 25.01.2022, the claimants are entitled to an enhancement of 10% on the amounts payable under the conventional heads as per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680***. Accordingly, the amount payable towards loss of estate and funeral expenses stands enhanced to Rs.16,500/- each, whereas the amount payable towards loss of consortium comes to Rs.44,000/- per claimant.
7. Thus, the compensation payable under the conventional heads is recomputed as under:

Loss of Estate	:	16,500
Funeral Expenses	:	16,500
Loss of Consortium (Rs.44,000 × 5)	:	2,20,000

Total : Rs.2,53,000/-

8. Since the Tribunal has already awarded a sum of Rs.2,30,000/- under the conventional heads, the

appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.23,000/-**(2,53,000 – 2,30,000) over and above the amount awarded by the Tribunal. The enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

9. Accordingly, the appeal is **partly allowed** and the impugned award is modified to the aforesaid extent.
10. The Registry is directed to communicate the claimants in writing “the enhanced/additional amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai