



CGHC010123132024



2026:CGHC:39646

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 751 of 2024**

1 - Smt. Sundari Bai Kaiwart W/o Late Pyarelal Kaiwart Aged About 45 Years R/o Ward No. 5, Diparpara, Dhaurabhatha, Police Station - Saliha, District Balodabazar (C.G.), At Present R/o Puranibasti Arang, Police Station Arang, District Raipur (C.G.)

2 - Gauri Shankar Kaiwart S/o Late Pyarelal Kaiwart Aged About 25 Years R/o Ward No. 5, Diparpara, Dhaurabhatha, Police Station - Saliha, District Balodabazar (C.G.), At Present R/o Puranibasti Arang, Police Station Arang, District Raipur (C.G.)

3 - Chalbair Kaiwart D/o Late Pyarelal Kaiwart Aged About 28 Years R/o Ward No. 5, Diparpara, Dhaurabhatha, Police Station - Saliha, District Balodabazar (C.G.), At Present R/o Puranibasti Arang, Police Station Arang, District Raipur (C.G.)..... **(Claimants)**

... Appellants**versus**

1 - Sagar Narang S/o Shri Banshilal Narang R/o Village Nagardih, Post - Kaitha, Police Station - Janjgir Champa (C.G.), (Driver And Owner Of Scooty No. C.G.-22-P-5083),...**(Driver/Owner)**

2 - Tata A.I.G. General Insurance Company Ltd. Through Divisional Manager, Divisional Office, Fafadih Police Station - Ganj, Raipur, District - Raipur (C.G.)....**(Insurer)**

--- Respondent(s)

For Appellants	:	Mr. Rakesh Kumar Thakur, Advocate
For Respondent No.1	:	None
For Respondent No.2	:	Ms. Mansi Bandey, Advocate on behalf of Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(10.09.2026)

1. Heard on I.A. No. 01/2024, under Section 5 of the Limitation Act. The appeal barred by 99 days.
2. This is a claimants' appeal for enhancement of compensation. For the reasons stated in the application (I.A. No. 01/2024), the same is allowed and the delay of 99 days in filing the appeal is condoned.
3. With the consent of learned Counsel appearing for the parties, the matter is heard finally.
4. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 29.09.2023, passed in Claim Case No.149/2021 by learned 1st Additional Motor Accident Claims Tribunal, Raipur (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.14,16,138/- as compensation for the death of Pyarelal Kaiwart who was aged about 50 years and died in a road accident which took place on 31.08.2019.
5. Learned counsel for the appellant would submit that the

learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has awarded Rs. 44,000/- for only one claimant, whereas the total number of claimants is three, therefore, an amount of Rs. 1,32,000/- ought to have been awarded by the Claims Tribunal. Hence, the instant appeal may be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

6. Learned counsel for respondent No.2/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.
7. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
8. In the case at hand, it is true that the learned Tribunal has granted only Rs. 44,000/- towards loss of consortium, which ought to be Rs. 1,32,000/- as the number of claimants is three; to that extent, the impugned award needs to be modified.
9. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 9000 x 12 = 1,08,000/-	Rs. 9000 x 12 = 1,08,000/-
2.	Deduction	(-) 1/3 (i.e. 36000) = 72,000/-	(-) 1/3 (i.e. 36000) = 72,000/-
3.	Multiplier	(x) 13 = 9,36,000/-	(x) 13 = 9,36,000/-
4.	Future prospect	(+)10% (i.e. Rs. 93,600) = 10,29,600/-	(+)10% (i.e. Rs. 93,600) = 10,29,600/-
5	Other conventional heads	Rs. 74,000/- (15000+15000+44000)	Rs. 1,62,000/- (15000+15000+132000)
6	Medical expenses	Rs. 3,12,538/-	Rs. 3,12,538/-
	Total	Rs. 14,16,138/-	Rs. 15,04,138/-

10. In view of the aforesaid analysis, the amount of compensation of Rs.14,16,138/- awarded by the Claims Tribunal is enhanced to Rs.15,04,138/-. Hence, after deducting the amount of Rs.14,16,138/-, the appellants are held entitled for an additional amount of Rs.88,000/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

11. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

12. The Registry is directed to communicate the claimants in writing “the enhanced 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 resides.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

-Shubham