



CGHC010181682024

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1194 of 2024

Judgment Reserved on – 24/04/2026

Judgment Delivered on -16/07/2026

Judgment (Full) Uploaded on - 16/07/2026

1 - The United India Insurance Company Limited, Through Its Officer In Charge, Kutchery Chowk, Raipur Tehsil And District Raipur Chhattisgarh (Appellant (Non Applicant No. 3) (Insurer)

... Appellant(s)

versus

1 - Chandravati Devi Pahalwan Chandravati Devi Pahalwan, Wd/o Late Bhagwan Prasad Prasad Pahalwan, Aged About 27 Years R/o Village Teduha, P.O. Bandha, District Singrauli, Madhya Pradesh (Respondent No. 1 (Applicant No. 1) Claimant)

2 - Kumari Savita D/o Late Bhagwan Prasad Pahalwan, Aged About 9 Years R/o Village Teduha, P.O. Bandha, District Singrauli, Madhya Pradesh Since Minor Represented Through Her Mother Chandravati Devi Pahalwan, Wd/o Late Bhagwan Prasad Pahalwan, Agead About 27 Years, R/o Village Teduha, P.O. Bandha, District Singrauli Mdhya Pradesh, Respondent No. 2 (Applicant No. 2) Claimant)

3 - Krishna Prasad Pahalwan, S/o Late Bhagwan Prasad Pahalwan, Aged About 2 Years R/o Village Teduha, P.O. Bandha, District Singrauli, Madhya Pradesh Since Minor Represented Through His Mother Chandravati Devi Pahalwan, Wd/o Late Bhagwan, Prasad Pahalwan, Aged About 27 Years, R/o Village Teduha, P.O. Bandha, District Singrauli, Madhya Pradesh. Respondent No. 3(Applicant No. 3) Claimant)

4 - Tejbali S/o Ramji Pahalwan, (Deleted Since Deceased) (Applicant No. 4 (Claimant)

5 - Butali Devi W/o Late Tejbali Aged About 67 Years R/o Village Teduha, P.O. Bandha, District Singrauli Madhya Pradesh Respondent No. 4 (Applicant No. 5) Claimant)

6 - Charan Singh, S/o Kodu Singh, C/o S. Narsimha Rao, S/o S. Appa Rao, Near Ayush Provision Stores, Shivanand Nagar, Khamtarai, Raipur Chhattisgarh. Respondent No. 5 (Applicant No. 1) (Driver)

7 - S. Narsimha Rao S/o S. Appa Rao, Near Ayush Provision Stores, Shivanand Nagar, Khamtarai, Raipur Chhattisgarh. Respondent No. 6 (Applicant No. 2) (Owner)

... Respondent(s)

For Appellant (s)	: Shri Abhishek Vinod Deshmukh, Advocate
For Respondent No.7/owner	: Ms. Jyoti Kaushik, Advocate
For Respondent/claimants	: Shri Rakesh Kumar Thakur, Advocate

&

MAC No. 2199 of 2024

1 - Chandravati Devi Pahalwan W/o Late Bhagwan Prasad Pahalwan Aged About 27 Years R/o Vill. Teduha, P.O. - Bandha, Dist. Singrouli, M.P.

2 - Ku. Savita D/o Bhagwan Prasad Pahalwan Aged About 9 Years Minor, Through Their Legal Guardian/mother Appellant No. 1, R/o Vill. Teduha, P.O. - Bandha, Dist. Singrouli, M.P.

3 - Krishna Prasad Pahalwan S/o Bhagwan Prasad Pahalwan Aged About 2 Years Minor, Through Their Legal Guardian/mother Appellant No. 1, R/o Vill. Teduha, P.O. - Bandha, Dist. Singrouli, M.P.

4 - Butli Devi W/o Tejbali Aged About 67 Years R/o Vill. Teduha, P.O. - Bandha, Dist. Singrouli, M.P.

---Appellant(s)

Versus

1 - Charan Singh S/o Kodu Singh Through- S. Narsingh Rao S/o S. Apparao, R/o Near Ayush Provision Store, Shivanand Nagar, Khamtarai, Dist. Raipur, C.G. (Driver Of Truck No. C.G.-04-Ja-8226)

2 - S. Narsingh Rao S/o S. Apparao R/o Near Ayush Provision Store, Shivanand Nagar, Khamtarai, Dist. Raipur, C.G. (Owner Of Truck No. C.G.-04-Ja-8226)

3 - United India General Insurance Company Ltd. Through- Incharge Officer, Address- Kachahri Chowk, Raipur, Dist. Raipur, C.G. (Owner Of Truck No. C.G. - 04-Ja-8226)

--- Respondent(s)

For Appellant (s)	: Shri Rakesh Kumar Thakur, Advocate
For Respondent /owner	: Ms. Jyoti Kaushik, Advocate
For Respondent/insurance co. :	Shri Abhishek Vinod Deshmukh, Advocate

({Hon'ble Shri Justice Sachin Singh Rajput})

C A V Judgment

These two appeals under Section 173 of the Motor Vehicles Act, 1988 (for short 'M.V.Act') are arising out of common award dated 06/02/2024 passed by the 1st Additional Motor Accident Claims Tribunal, Raipur, CG (for short 'Tribunal') in claim case No.13/2020 and they are being heard and decided by this common order. By the impugned award, against a claim of Rs.35,34,000/-, learned Tribunal has awarded compensation of Rs.31,74,000/- in favour of the appellants / claimants.

These two appeals MAC No.1194/24 has been filed by the Insurance Company whereas MAC No.2199/24 has been filed by the claimants.

2. A claim application under Section 166 of the MV Act was filed by the claimants seeking compensation of Rs.35,34,000/- on account of death of Bhagwan Das Pahalwan in an accident that occurred on 01/12/2019 by rash and negligent driving of the offending vehicle (Truck) bearing registration No.CG 04-JA-8226 driven by driver-Charan Singh, owned by Narsingh Rao and insured with United India General Insurance Company Ltd. As per pleadings of the claim application, the deceased was riding motor cycle bearing registration

No.CG-04-LJ-4505 and was going towards village-Urla from Birgaon. On main road of pepsi square of village-Urla, the motor cycle was hit by the offending vehicle resulting into severe injuries and his death on the spot. The accident was reported in police station-Urla under Crime No.559/2019 and offence under Section 304A of IPC was registered.

3. As per pleadings of the claim application, the deceased was working as JCB driver in Vandana Ispat, Raipur and was earning Rs.16,000/- per month. Thus, claiming the abovestated compensation, the application was filed.

4. The driver and owner of the offending vehicle submitted their written statement and denied averments of the claim application. It was pleaded that the accident had not occurred on account of rash and negligent driving of the driver rather the deceased himself was riding his motor cycle rashly and negligently without any license and thus, caused the accident. The driver and owner are not responsible for the accident. The offending vehicle was insured with the insurance company, thus, the driver and owner are not liable to pay any compensation.

5. The Insurance company also filed its written statement and denied the averments of the claim application and in usual course pleaded that the driver of the offending vehicle was not holding valid and effective driving license. The deceased himself was responsible for the accident; there is a misjoinder and non-joinder of necessary parties and it is also a case of contributory negligence.

6. On the basis of above broad pleadings, learned Tribunal framed four issues. Evidence was led by the claimants to prove their pleadings. Learned Claims Tribunal, on assessment of material evidence available on record, decided the issue in favour of the claimants and awarded compensation of Rs.31,74,000/- holding the owner/driver and insurance company jointly and severally liable to pay compensation.

7. Learned counsel for the insurance company argued that the learned Claims Tribunal committed an error in holding the monthly income of the

deceased to Rs.15,000/- without any cogent and prudent evidence. The salary slip exhibited by the claimants has not been proved in accordance with law. He submits that interest of 7.5% awarded is also on the higher side.

8. Per contra, learned counsel for the claimants would argue that the Tribunal ought to have considered the monthly income of the deceased to Rs.16,000/- as three salary certificates have been filed on record. Though the same has been proved by the witnesses of the claimants, thus, the learned Tribunal ought to have assessed the income of the deceased as per the salary certificate. Therefore, prayed that suitable enhancement of compensation may be made.

9. Learned counsel for the owner supports the impugned award.

10. Heard learned counsel for the parties and perused the records meticulously with utmost circumspection.

11. The issue involved in this appeal is as to whether the learned Tribunal was justified in awarding the abovementioned compensation and according to learned counsel for the insurance company, it requires suitable reduction whereas learned counsel for the claimants prayed for enhancement of the same.

12. The claimants have filed claim application *inter alia* pleading that the deceased was working as JCB driver in Vandana Ispat Ltd. and his monthly income was Rs.16,000/- per month. Learned Claims Tribunal, assessing the evidence available on record, found monthly income of the deceased to Rs.15,000/- per month. In order to prove the pleadings, the claimants examined Chadravati Devi Pahalwan as AW1. According to her affidavit filed under Order 18 Rule 4 of CPC, the deceased was the only bread winner of his family. He was working as a driver of JCB vehicle and was earning Rs.16,000/- per month. Apart from exhibiting the criminal papers, to prove negligence, she has also exhibited the driving license of her husband along with his salary certificate as Ex.P/13 to Ex.P/15. Perusal of her cross-examination by the insurance company would indicate that no specific question with regard to genuineness of the salary certificate Ex.P/13 to Ex.P/15 was asked, though the

driver and owner in their cross-examination have put a question that false salary certificate Ex.P/13 to Ex.P/15 has been filed. This suggestion was denied by this witness. In his pleading, it has been stated that the deceased was working as JCB driver in Vandana Ispat Ltd., Raipur whereas perusal of Ex.P/13 to P/15 would indicate that it is issued by Avinash Ispat Pvt. Ltd. It would indicate that the deceased was working with Avinash Ispat Pvt. Ltd. as Hydra Operator and as per Ex.P/13, his net salary was Rs.17,292/- for the month of October-November, 2018. This certificate is dated 19/02/2019. Ex.P/14 is the salary certificate of December, 2018 which indicate his monthly salary as 15,200/- and after ESIC deduction of Rs.266/-, he was paid Rs.14,934/-. Ex.P/15 would indicate that in the month of January, 2019, he was paid salary of Rs.15566/- and after ESIC deduction, he was paid net salary of Rs.15,294/-. Though in the pleadings it has been stated that the deceased was working in Vandana Ispat Ltd., however, salary certificate was issued by Avinash Ispat Pvt. Ltd. but this can throw some light with regard to the fact that the deceased was a skilled driver. Ex.P/12C is the driving license of the deceased, according to which, he was licensed to drive light motor vehicle and motor cycle with gear.

13. Considering the pleadings, evidence and exhibited documents, learned Claims Tribunal found the monthly income of the deceased to Rs.15,000/-. The date of accident is 01/12/2019. Initially, the claim application was filed by 5 persons, young widow of 27 years, two minor children aged about 9 and 2 years and parents aged about 70 years and 67 years respectively. During the pendency of the claim application, the father of the deceased died and his name was deleted from the cause title. Naturally, on the date of accident, five persons were dependent upon the income of the deceased. Looking to the age of the parents, naturally there would not be any earning member. If a person is required to maintain a family of 5 persons, his income ought to have been assessed looking to the above aspect also and his place of working. Proceedings under the Motor Vehicle Act is summary in nature and strict compliance of Evidence Act may not be necessary to prove a particular fact. Apart from the three salary certificates, the pass book of the deceased is also on

record, according to which in the month of November, 2019 i.e. 1 month prior to the accident, he was paid salary of Rs.13935/-. As the deceased was found to be a skilled driver, his place of work was Raipur which is the capital city and looking to the inflation, this Court does not find any illegality and irregularity in assessing the monthly income of the deceased to Rs.15,000/- per month. So far as submission of Shri Deshmukh with regard to higher interest is concerned, it does not appeal to this Court. The learned Tribunal has exercised to award the interest and this Court is not inclined to disturb that. Thus, the submission of Shri Deshmukh is rejected.

14. As this Court has affirmed the finding of taking monthly income of the deceased to Rs.15,000/-, the submission of Shri Rakesh Kumar Thakur that earning of the deceased should have been taken as Rs.16,000/- is also liable to be rejected.

15. Learned claims Tribunal after adding 40% future prospects and deducting 1/4th for personal expenses applied multiplier of 16 holding the age of the deceased to 32 years, awarded compensation of Rs.30,24,000/- for loss of dependency. It has further awarded Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses, Rs.40,000/- loss of consortium and further awarded Rs.40,000/- each to claimants No.2, 3 and 5 and thus, total compensation of Rs.31,74,000/- was awarded.

16. It is the settled principle of law that the Courts and Tribunals are required to see whether just compensation is awarded. The compensation should not be meager or in bonanza. In the opinion of this Court, the compensation awarded by the learned Claims Tribunal appears to be just compensation and does not require any interference either reducing the same or enhancing. Thus, both the appeals filed by the Insurance company as well as the claimants are liable to be and are hereby dismissed.

Sd/-

(Sachin Singh Rajput)

JUDGE