



CGHC010179232019



2026:CGHC:28156

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1198 of 2019**

1 - Chinilal Gota S/o Chagan Lal Gota, Aged About 36 Years R/o Village Vanpandel (Tumdikasa) Thana And Tehsil And District Balod Chhattisgarh., District : Balod, Chhattisgarh

2 - Smt. Fuleshwari @ Ritu W/o Chinilal Gota Aged About 33 Years R/o Village Vanpandel (Tumdikasa) Thana And Tehsil And District Balod Chhattisgarh., District : Balod, Chhattisgarh

3 - Ku. Sandhaya D/o Chinilal Gota Aged About 15 Years (Minor Through Legal Guardian Father Chinilal Gota) R/o Village Vanpandel (Tumdikasa) Thana And Tehsil And District Balod Chhattisgarh., District : Balod, Chhattisgarh

... Appellant**Versus**

1 - Rajendra Kumar S/o Nammuram Thakur Aged About 36 Years R/o Village Karhibhadar, Thana And Tehsil And District Balod Chhattisgarh., District : Balod, Chhattisgarh

2 - Bhaduram S/o Budharuram Aged About 55 Years R/o Ghotiya, Tehsil Dondi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

3 - The New India Insurance Company Ltd Through Branch Office, Parakh Bhawan, Station Road Durg, Teshil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

... Respondents*[Cause-title taken from Case Information System (CIS)]*

 For Appellant : Mr. AC Sahu, Advocate
 For Respondent No.03 : Ms. Swati Agrawal, Advocate on behalf
 of Mr. Pankaj Agrawal, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal**(Order on Board)****08.07.2026****1.** Heard.**2.** In this appeal filed under Section 173(2) of the Motor Vehicle Act,

1988 (for short the "MV Act"), the appellants- Claimants are seeking enhancement of amount of compensation by challenging the impugned award dt. 30.01.2019, whereby learned Claims Tribunal has awarded a total sum of Rs.3,30,000/- as compensation to them on account of death of their minor son, who was aged about 15 years on the date of accident.

3. Learned counsel for the appellants would make sole submission that learned claims tribunal erred in law in not awarding proper compensation under the facts of the present case, as in light of the decision of the Supreme Court in the matter of **Kishan Gopal v. Lala**¹, total Rs.5,00,000/- ought to have been awarded to them on account of death of their minor son, aged about 15 years. As such, the impugned award is liable to be modified to that extend.

4. On the other hand, learned counsel for the respondent supported the impugned award and prays for dismissal of this appeal. She also informed that in connected matter being *MAC-718-2019 (The New India Insurance Company Limited v. Chinilal Gota)*, arising out of the same accident, direction of pay and recover has already been granted by the Co-ordinate Bench of this Court vide order dated 28.08.2025 and same would applicable in this appeal also.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

6. In the instant case, it is not in dispute that the appellants/claimants are father, mother and sister of minor child, Shaheed Kumar Gota, who

1 (2014) 1 SCC 244

died in road accident took place on 02.03.2017 and at the time of accident his age was only 15 years, therefore, in my considered opinion and in light of the decision of **Krishan Gopal** (supra), the amount of compensation of Rs.3,30,000/- awarded by the Claims Tribunal is liable to be enhanced to Rs.5,00,000/-. It is ordered accordingly. Hence, after deducting amount of Rs.3,30,000/-, the appellants are held entitled for an additional amount of **Rs.1,70,000/-**. The respondent No.03 is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 10% per annum from the date of filing of claim application before the Tribunal till its realization. Since in *MAC-718-2019 (The New India Insurance Company Limited v. Chinilal Gota)*, direction for pay and recover has already been given, it is ordered that the respondent No.03-Insurance Company would firstly pay the entire amount of compensation alongwith interest (including that amount enhanced by this Court) to the claimants and thereafter recover it from the owner of the offending vehicle. Rest of the conditions of the impugned award shall remain intact.

7. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

sd/-
(Sanjay K. Agrawal)
Judge