



2026:CGHC:10216



2026:CGHC:10216

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 744 of 2022

1. Janaki Bai W/o Late Manharan Yadav Aged About 40 Years Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh
2. Sandeep S/o Late Manharan Yadav Aged About 21 Years Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh
3. Krishna @ Golu, S/o Late Manharan Yadav Aged About 18 Years Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh
4. Ram Kumar S/o Late Manharan Yadav Aged About 14 Years Minor Through Legal Natural Guardian Mother Janaki Bai, Wife Of Late Manharan Yadav, Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh
5. Bittu @ Ganesh (Ingured Person) S/o Late Manharan Yadav Aged About 11 Years Minor Through Legal Natural Guardian Mother Janaki Bai, Wife Of Late Manharan Yadav, Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh
6. Kumari Roshani S/o Late Manharan Yadav Aged About 6 Years Minor Through Legal Natural Guardian Mother Janaki Bai, Wife Of Late Manharan Yadav, Caste Yadav, R/o Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa, Chhattisgarh

... Appellant(s)

versus

1. Resham Lal S/o Gokul Prasad Yadav, Aged About 34 Years R/o Village Semra, P.S. Nawagarh, District Janjgir Champa Chhattisgarh (Driver Of The Offending Vehicle)



2. Santosh Kumar Yadav S/o Ramsnehi Yadav Aged About 50 Years R/o Village Janjgir Near Netaji Chowk, Tahsil Janjgir, District Janjgir Champa Chhattisgarh (Owner Of The Offending Vehicle)
3. Regional Manager, Shreeram General Company Ltd. Plot No. 01, Fourth Floor, Maruti Height G.E. Road, Raipur, Near R.K. Maal, Raipur Chhattisgarh (Insurer Of The Offending Vehicle)
... Respondent(s)

For Appellants	:	Mr. Pawan Kumar Kashyap, Advocate
For Respondent No.3	:	Mr. Utsav Mahiswar, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

27.2.2026

- 1) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by Second Additional Motor Accident Claims Tribunal, Janjgir, District Janjgir Champa in Claim Case No. 97/2018 dated 12.2.2020, whereby learned Tribunal has passed respective awards to the tune of Rs. 11,59,000/- with interest @ 9% on account of death of Manharan Yadav and Rs. 4,30,000/- with interest @ 9% on account of injuries sustained by Bittu alias Ganesh.
- 2) The relevant facts in the instant case are that the deceased Manharan Yadav was working as a driver of a private school bus. He met with an accident on 1.6.2017 while traveling on a motorcycle and was hit by a truck bearing Registration No.CG/04/JA/5660 owned by respondent no. 2 and driven by respondent no. 1 at the relevant point of time. The deceased was



aged around 51 years at the time of accident. The deceased, as a result of accident, received grievous injuries to which he later succumbed. The legal representatives of the deceased had filed a claim application before the 2nd Additional Motor Accident Claims Tribunal, Janjgir where the case was registered as Motor Accident Claim Case No. 97/2018.

- 3) Learned counsel for the appellants submits that on account of death of Manharan Yadav, learned Tribunal has rightly assessed the notional income and awarded appropriate compensation under conventional heads but erred in law in granting a meager sum of Rs. 40,000/- towards loss of consortium overlooking the number of dependents. He further submits that on account of injuries sustained by Bittu alias Ganesh, learned Tribunal has not granted separate compensation towards attendant charges and special diet. He prays to modify the respective awards.
- 4) On the other hand, learned counsel appearing for the Insurance Company submits that learned Tribunal has awarded just and proper compensation and there is no scope for interference.
- 5) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 6) It appears that claimants preferred a joint claim petition seeking compensation on account of death of Manharan Yadav and injuries sustained by Bittu alias Ganesh. Learned Tribunal has awarded following award on account of death of Manharan



Yadav :-

Sr. No.	Heads	Compensation awarded by Tribunal
1.	Annual Income	Rs. 1,20,000/- (@ Rs.10,000/- pm)
2.	Annual Income after adding future prospect @ 10%	Rs. 1,32,000/-
3.	Annual Income after deduction towards personal expenses @ 1/4	Rs. 99,000/-
4.	Annual Income after applying Multiplier @ 11	Rs. 10,89,000/-
5.	Loss of Estate	Rs. 15,000/-
6.	Funeral Expenses	Rs. 15,000/-
7.	Loss of Consortium	Rs. 40,000/-
	<u>TOTAL</u>	Rs. 11,59,000/-

7) The claimants are not aggrieved with Tribunal's assessment of income of deceased and compensation under conventional heads and dispute is limited to compensation towards loss of consortium. Tribunal has awarded a meager sum of Rs. 40,000/- under this head whereas claimants who are the widow and five children of deceased are entitled to receive separate compensation towards loss of consortium as held by Hon'ble Supreme in the matter of ***Magma General Insurance Co. Ltd. V. Nanu Ram @ Chuhru Ram & Ors.***¹. Therefore, in my opinion, five claimants are entitled to receive Rs. 40,000/- each along with an additional sum of 20% i.e. total sum of Rs. 2,40,000/-.

1. (2008) 18 SCC 130



- 8) Learned Tribunal has passed following award on account of injuries sustained by Bittu alias Ganesh :-

Sr. No.	Heads	Compensation awarded by Tribunal
1.	Pain and Suffering	Rs. 4,00,000/-
2.	Loss of Earning to parents during period of hospitalization	Rs. 10,000/-
3.	Medical Bills	Rs. 10,000/-
4.	Future Medical Expenses	Rs. 10,000/-
	<u>TOTAL</u>	Rs. 4,30,000/-

- 9) Claimants are also not aggrieved with Tribunal's assessment of compensation on account of injuries sustained by Bittu alias Ganesh. However, learned Tribunal has not awarded separate compensation towards attendant charges and special diet. Therefore, in my opinion, appellant No. 5/injured is entitled to receive Rs. 10,000/- each towards attendant charges and special diet.
- 10) Accordingly, the amount of compensation of Rs.11,59,000/- awarded by the learned Tribunal on account of death of Manharan Yadav is enhanced to Rs.13,99,000/-. Hence, the appellants are entitled for an additional amount of **Rs. 2,40,000/-**. Likewise, the amount of compensation of Rs. 4,30,000/- awarded by the learned Tribunal on account of injuries sustained by Bittu alias Ganesh is enhanced to Rs. 4,50,000/-. Hence, the appellant No. 5/ injured is



entitled for an additional amount of Rs. **20,000/-**.

- 11) The Insurance Company is directed to make payment of additional compensation assessed herein-above in addition to the awards passed by learned Tribunal period of 60 days with interest @ 9% p.a. from date of application till its realization.
- 12) Accordingly, the appeal is **allowed in part** and the impugned awards are modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya