



2026:CGHC:13686

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 203 of 2019**

1. Smt. Anita Sonwani W/o Late Shri Jay Sonwani, Aged About 27 Years;
2. Raj Sonwani S/o Late Shri Jay Sonwani, Aged About 5 Years;
3. Chandrika Sonwani W/o Bhagwat Sonwani, Aged About 55 Years; (As Amicus Curie Of Minor Appellant No. 2 His Mother Applicant No. 1), R/o Village Tiraiya, P.S. Dharsiva Raipur, Tehsil And District Raipur Chhattisgarh.

... Appellant**versus**

1. Bhuvanlal Dhankar S/o Shri Balaram Dhankar, R/o Village Kokanpur, P.S. Korar, District Kanker Chhattisgarh. 494334 (Driver Of The Tanker No. C.G. 17-H-7001).
2. Uma Shankar Shukla S/o Gajadhar Shukla, R/o House No. 314-C, Shukla Street, Vardhaman Colony, P.S. Bodhghat, Jagdalpur, District Jagdalpur Chhattisgarh. (Owner Of The Tanker No. C.G. 17-H-7001).
3. United India General Insurance Company Ltd. Through Divisional Manager, Divisional Office, Kachahri Chowk, Jail Road, Raipur, Tehsil And District Raipur, Chhattisgarh. 492001. (Insurer Of The Tanker No. C.G. 17-H-7001).

... Respondents

For Appellant :- Mr. Akhilesh Mishra, Advocate.

For Respondent No.3 :- Mr. Dashrath Gupta, Advocate

SB- Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

23.03.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the appellants/claimants seeking enhancement in the amount of compensation, challenging the impugned award dated 24.10.2018 passed by the 4th Additional Claims Tribunal, Raipur of 1st Additional Motor Accident Claims Tribunal, Raipur, District Raipur, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 431/2016, whereby learned Claims Tribunal has awarded a total sum of ₹21,01,400/- as compensation along with interest for death of Jay Sonwani.
2. Mr. Akhilesh Mishra, learned counsel for the appellants, would submit that learned Claims Tribunal has erred in calculating the amount of compensation. He would also submit that the Claims Tribunal has awarded ₹21,01,400/- as compensation which should be ₹21,64,400/-. He would further submit that under the heads of filial consortium and parental consortium

amount has not been awarded to the mother-Chadrika Sonwani and son-Raj Sonwani of the deceased, respectively, therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Mr. Dashrath Gupta, learned counsel for the Insurance Company/respondent No.3, would oppose the prayer made by learned counsel for the appellants and support the impugned award. He would also submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.
5. In the opinion of this Court, learned Claims Tribunal has rightly assessed the income of deceased to be ₹1,32,000/-, however, while calculating the future prospect wrongly mentioned ₹33,200/- in place of ₹35,200/- and therefore, while awarding the award, less amount has been awarded by the Claims Tribunal. As such, ₹63,000/- is liable to be enhanced in the compensation amount. Furthermore, under the heads of

filial consortium to mother-Chadrika Sonwani and parental consortium to son-Raj Sonwani of the deceased has not been awarded which is liable to be awarded.

6. Thus, in view 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 Sethi**¹, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**² and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**³, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	₹ 1,32,000/- (yearly)	₹ 1,32,000/- (yearly)
2.	Deduction	(-) 1/3 = ₹ 44,000/- ₹1,32,000-44,000 = ₹88,000/- (total income)	(-) 1/3 = ₹ 44,000/- ₹1,32,000-44,000 = ₹88,000/- (total income)
3.	Future prospect	(+) 40% = ₹33,200/- total income = ₹ 1,21,200/- (typed ₹1,23,200/-)	(+) 40% = ₹35,200/- total income = ₹ 1,23,200/-
4.	Multiplier	(x) 17 = ₹ 1,23,200 x 17 = ₹20,94,400/-	(x) 17 = ₹20,94,400/-
5.	Loss of Estate	₹15,000/-	₹15,000/-
6.	Funeral Expenses	₹15,000/-	₹15,000/-

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

³ (2018) 18 SCC 130

7.	Spousal Consortium	₹40,000/-	₹40,000/-
8.	Filial Consortium	Nil	₹40,000/-
9.	Parental Consortium	Nil	₹40,000/-
	Total	₹21,01,400/-	₹22,44,400/-

7. In view of the aforesaid analysis, the amount of compensation of **₹21,01,400/-** awarded by the Claims Tribunal is enhanced to **₹22,44,400/-**. Hence, after deducting the amount of **₹21,01,400/-**, the appellants are held to be entitled to an additional amount of **₹1,43,000/-**. The additional amount of compensation shall carry interest @ 7.5% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

8. 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

Ankit