



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 486 of 2016**

1. Rohit Dhruw, S/o Late Mangtu Dhruw, aged about 40 Years,
  2. Smt. Kaushilyabai, W/o Rohit Dhruw, aged about 39 Years,
  3. Minor Ku. Meena Dhruw, D/o Rohit Dhruw, aged about 17 Years,
  4. Minor Ku. Reena Dhruw, D/o Rohit Dhruw, aged about 9 Years,
- Appellant Nos. 3 & 4 are minor through Natural Guardian Rohit Dhruw,  
All are R/o Village Bhendri, Post- Jamgaon, Police Station- Fingeshvar,  
District- Gariyaband, Chhattisgarh.

**...Appellants/Claimants**

**versus**

1. Kamal Patil, S/o Mahesh Patil, aged about 25 Years, R/o Club Para Civil Line Mahasamund, at Present Address- Shankar Nagar Near Hanuman Mandir Thana Tahsil/ District- Mahasamund, Chhattisgarh. (Driver and Owner Motor Cycle No. CG-06-GB-2260).
2. The ICICI Motor Insurance Company Limited, Through Divisional Manager Divisional Office Devendra Nagar, Jail Road Raipur, District- Raipur, Chhattisgarh. (Insurer Hero Honda No. CG-06-GB-2260)

**... Respondents**

For Appellants	:	Mr. Kripesh G. Kela, Advocate.
For Respondent No.1	:	Ms. Aditi Tripathi, Advocate on behalf of Mr. D.N. Prajapati, Advocate.
For Respondent No.2	:	Ms. Manshi Bandey, Advocate on behalf of Mr. Sourabh Sharma, Advocate.

**(Hon'ble Shri Justice Radhakishan Agrawal)**

**Judgment on Board**

**17/02/2026**

1. The present appeal has been preferred by the claimants against the award dated 07.10.2015 passed by the Motor Accident Claims



Tribunal, Mahasamund (C.G.) in Claim Case No. H-11/2015, whereby a total compensation of Rs.3,95,000/- has been awarded to the claimants, along with interest at the rate of 6% per annum from the date of application till realization, while fastening the liability upon the driver and owner (non-applicant Nos. 1) and the Insurance Company (non-applicant No.2) jointly and severally.

2. As per the averments made in the claim petition, on 02.10.2014, at about 10:30 p.m., deceased- Neelkanth Dhruv, aged about 11 years and a student of Class V, was proceeding from village Bhendri to Jamgaon along with his friends to witness the Navratri Durga Jhanki. When they reached near the bridge situated at the field of one Ramdheen Sahu, a Hero Honda motorcycle bearing registration No. CG-06-GB-2260 (hereinafter referred to as the "offending vehicle"), driven by non-applicant No.1 (driver-cum-owner) from the direction of Fingeshwar, came at a high speed and in a rash and negligent manner and dashed the deceased and his friends from behind, as a result of which, deceased- Neelkanth sustained fatal injuries and died on the spot, while his friends suffered grievous injuries. At the time of the accident, the offending vehicle was insured with non-applicant No.2 – ICICI Motor Insurance Company Limited.
3. On claim petition being filed by the claimants under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs.27,00,000/-, the Tribunal, after considering the evidence adduced by both parties, passed the award as mentioned above.
4. Learned counsel for the appellants/claimants submits that the learned Claims Tribunal has wrongly assessed the monthly income of the deceased at Rs.3,000/-, whereas it ought to have been taken at



Rs.5,000/- per month. He further submits that the amount awarded by the Tribunal towards conventional heads is also on the lower side and warrants suitable enhancement. In support of his submissions, reliance has been placed on the judgments of the Hon'ble Supreme Court in the matters of *Thangavel and Ors. Vs Managing Director, Tamil Nadu State Transport Corporation Limited*, 2025 SCC Online SC 1649; *National Insurance Company Limited v. Pranay Sethi and others*, (2017) 16 SCC 680; and *Magma General Insurance Company Limited v. Nanu Ram @ Chuhru Ram and others*, (2018) 18 SCC 130.

5. Learned counsel for respondent Nos. 1 and 2, while admitting that no separate appeal has been preferred by them against the impugned award, have supported the impugned award.
6. Heard learned counsel for the parties and perused the material available on record.
7. As regards the income of the deceased- Neelkanth, it is not in dispute that at the time of the accident, deceased was aged about 11 years and was a student. However, the learned Claims Tribunal, while determining the compensation, assessed the notional income of the deceased at Rs.3,000/- per month on its own, which, in the considered opinion of this Court, is not proper. The Hon'ble Supreme Court, in *Thangavel (supra)*, assessed the monthly income of the deceased at Rs.5,000/- without making any deduction towards personal expenses. The Co-ordinate Bench of this Court has also, while following *Thangavel (supra)*, taken the notional income of a deceased at Rs.5,000/- per month in the matter of *Bharat Purlle and another vs. Kamal Prasad and others*, vide judgment dated 26.11.2025 in MAC No.1308 of 2024. Therefore, applying the aforesaid law laid down by the Hon'ble Supreme Court in *Thangavel (supra)*, the monthly income of



the deceased is assessed at Rs.5,000/- per month, without any deduction towards personal expenses. Further, taking the guidance from the decisions of the Hon'ble Supreme Court in *Pranay Sethi (supra)* & *Magma General Insurance Co. Ltd. (supra)*, this Court recomputes the compensation in the following manner:-

Sl. No.	Heads	Calculation (in rupees)
01.	Income of the deceased @ Rs.5,000/- per month	Rs.60,000/- per annum
02.	Multiplier of 15 to be applied	Rs.60,000/- x 15 = Rs.9,00,000/-
03.	Towards loss of consortium (Rs.40,000/- each to appellants/claimants)	Rs.1,60,000/-
04.	Towards loss of estate	Rs.15,000/-
05.	Towards Funeral Expenses	Rs.15,000/-
	<b>Total Compensation</b>	<b>Rs.10,90,000/-</b>

Since the Tribunal has already awarded Rs.3,95,000/-, after deducting the same from Rs.10,90,000/-, the claimants/appellants are entitled for an additional compensation of **Rs.6,95,000/-**, which shall carry interest as awarded by the Tribunal. However, rest of the conditions of the impugned award shall remain intact.

8. In the result, the appeal is allowed in part with the modification in the impugned award to the above extent.

Sd/-  
**(Radhakishan Agrawal)**  
Judge

