



2026:CGHC:19931

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 641 of 2020**

1 - Smt. Roshan Yadav W/o Late Raju Singh Yadav, Aged About 21 Years R/o. Village Pahartola, Post Dhurvajun, Pahartola, Gajipur, District Gajipur (U.P.), At Present R/o Village Dhelvadih, Tahsil Katghora, District Korba Chhattisgarh.....Claimant, District : Korba, Chhattisgarh

2 - Smt. Tershi Yadav W/o Ramvriksha Yadav Aged About 41 Years R/o. Village Pahartola, Post Dhurvajun, Pahartola, Gajipur, District Gajipur (U.P.), At Present R/o Village Dhelvadih, Tahsil Katghora, District Korba Chhattisgarh.....Claimant, District : Korba, Chhattisgarh

3 - Ramvriksha Yadav S/o Ram Prasad Yadav, Aged About 50 Years R/o. Village Pahartola, Post Dhurvajun, Pahartola, Gajipur, District Gajipur (U.P.), At Present R/o Village Dhelvadih, Tahsil Katghora, District Korba Chhattisgarh.....Claimant, District : Korba, Chhattisgarh

4 - Raunak Yadav S/o Late Raju Singh Yadav, Aged About 3 Years Minor, Legal Guardian Mother Smt. Roshan Yadav W/o Late Raju Singh Yadav, Aged About 21 Years, R/o. Village Pahartola, Post Dhurvajun, Pahartola, Gajipur, District Gajipur (U.P.), At Present R/o Village Dhelvadih, Tahsil Katghora, District Korba Chhattisgarh.....Claimant, District : Korba, Chhattisgarh

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1 - Dharmendra Kumar S/o Jugal Kishor, Aged About 26 Years R/o. Veerbandha, Police Station Gadhva, District Gadhva (Jharkhand) (Driver Of Offending Vehicle).....Non Applicant, District : Garhwa Jharkhand)



2 - Mithlesh Pathak S/o Shri Ram Bachan Pathak, R/o. Village Dumarkachhar, Ward No. 20, Mohalla 9, 10, Indira Nagar, Tahsil Kotma, Kotma Colliery, District Anuppur (Madhya Pradesh) Owner Of Offending Vehicle.....Non Applicant, District : Anuppur, Madhya Pradesh

3 - Chhola Madalam, M.S. General Insurance Company Limited, Through Incharge Of Chhattisgarh, Chhola Madalam, M.S. General Insurance Company Limited, 2nd Floor, Simaran Tower, Near L I C Building, Pandari, Raipur, District Raipur Chhattisgarh. (Insurer Of Offending Vehicle).....Non-Applicant, District : Raipur, Chhattisgarh

4 - Triveni Yadav D/o Bachchan Yadav, R/o Lalpur, Arda, Post Chhuri, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

5 - Smt. Sanju Yadav D/o Ramjanam Yadav R/o. Lalpur, Arda, Post Chhuri, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

6 - The Oriental Insurance Co. Ltd. Through Divisional Manager, The Oriental Insurance Co. Ltd, Divisional Officer, Gitanjali Bhawan, Main Road, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

--- Respondent(s)

For Appellants	:	None.
For Respondent No.2	:	Mr. Vijay Kumar Sahu, Advocate.
For Respondent No.6	:	Mr. R.N. Pusty with Shri Akash Shrivastava, Advocates.

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1 - The Oriental Insurance Company Limited Through Divisional Manager The Orientel Insurance Company Limited Divisional Office Geetanjalibhawan Main Road Korba District - Korba, Through In-Charge, T.P.Hub, T.P.Hub Office, Rama Trade Centre, First Floor, Opp. Rajeev Plaza, Near Old Bus Stand, Bilaspur Chhattisgarh, Pin – 495001

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Versus

1 - Smt. Roshan Yadav Wife Of Late Shri Raju Singh Yadav Aged About 21 Years Residents Of Village Pahartola, Post - Dhruvajune, Pahartola, Ghazipur, District - Ghazipur (U.P.) Presently Resident Of Village



Dhelwadih, Tahsil - Katghora, District - Korba Chhattisgarh, District :
Korba, Chhattisgarh

2 - Smt. Tersi Yadav Wife Of Shri Ram Briksha Yadav Aged About 41 Years Residents Of Village Pahartola, Post - Dhruvajune, Pahartola, Ghazipur, District - Ghazipur (U.P.) Presently Resident Of Village Dhelwadih, Tahsil - Katghora, District - Korba Chhattisgarh, District : Korba, Chhattisgarh

3 - Rambriksha Yadav S/o Ram Prasad Yadav Aged About 50 Years Residents Of Village Pahartola, Post - Dhruvajune, Pahartola, Ghazipur, District - Ghazipur (U.P.) Presently Resident Of Village Dhelwadih, Tahsil - Katghora, District - Korba Chhattisgarh, District : Korba, Chhattisgarh

4 - Rounk Yadav S/o Late Raju Singh Yadav Aged About 3 Years (Minor), Represented Through Mother And Natural Guardian Smt. Roshan Yadav, Residents Of Village Pahartola, Post - Dhruvajune, Pahartola, Ghazipur, District - Ghazipur (U.P.) Presently Resident Of Village Dhelwadih, Tahsil - Katghora, District - Korba Chhattisgarh, District : Korba, Chhattisgarh

5 - Dharmendra Kumar S/o Jugal Kishor Aged About 26 Years Resident Of Veerbandha, Police Station - Garhwa, District - Garhwa Jharkhand, District : Garhwa *, Jharkhand

6 - Mithilesh Pathak S/o Shri Ram Bachchan Pathak Aged About 26 Years Address - Village Dumarkachhar, Ward No. - 20, Mohalla 9, 10 Indira Nagar Tahsil - Kotma, Kotma Colliery, District - Anuppur, Madhya Pradesh, District : Anuppur, Madhya Pradesh

7 - Cholamandalam Ms General Insurance Company Limited Through Chhattisgarh Incharge - Cholamandalam Ms General Insurance Company Limited, Second Floor, Simran Tower, Opposite Lic Building, Pandri, Raipur, Chhattisgarh

8 - Triveni Yadav S/o Bachchan Yadav Resident Of Lalpur, Arda, Post Chhuri, Tahsil - Katghora, District - Korba, Chhattisgarh, District : Korba, Chhattisgarh

9 - Smt. Sanju Yadav Daughter Of Ram Janam Yadav Resident Of Lalpur, Arda, Post Chhuri, Tahsil - Katghora, District - Korba, Chhattisgarh, District : Korba, Chhattisgarh

--- Respondent(s)

For Appellant	:	Mr. R.N. Pusty with Shri Akash Shrivastava, Advocates.
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For Respondent No.6	:	Mr. Vijay Kumar Sahu, Advocate.
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(Single Bench)
Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

29/04/2026

1. Against the impugned award dated 14.10.2019 passed by the Additional Claims Tribunal to the Court of Upper Motor Accident Claims Tribunal, Katghora, District Korba (for short 'the Claims Tribunal') in Claim Case No.159/2016, MAC No.343/2020 has been filed by the Insurance Company seeking setting aside of the impugned award so far as appellant Insurance Company is concerned and to exonerate it from liability to pay compensation whereas MAC No.641/2020 has been filed by the claimants seeking enhancement of the amount of compensation.
2. Since common question of law and fact is involved in these Appeals for adjudication, they are clubbed together, heard together and are being disposed of by this common order.
3. Mr. R.N. Pusty, learned counsel for the appellant/Insurance Company would submit that since FIR and charge sheet has been filed against the driver of offending vehicle bearing registration No.MP-65-GA/1154, which was owned by Mithlesh Pathak and insured with Cholamandlam MS General Insurance Company, therefore, liability to pay compensation could not have been fastened only on appellant – Oriental Insurance Company of other vehicle only. The Claims Tribunal has wrongly held that on



the date of the accident Non-Applicants No.4 & 5 namely, Triveni Yadav, driver of vehicle No.CG-12S/6143 and owner of said vehicle insured by appellant – Oriental Insurance Company, Smt. Sanju Yadav have not violated any terms and conditions of the insurance policy and only the appellant – Oriental Insurance Company is liable to pay compensation. As the accident occurred on account of collision of two vehicles, liability ought to have been fastened on the owner, driver & Insurance Company of the other offending vehicle, which was owned by Mithlesh Pathak, driven by Dharmendra and insured by Cholamandlam MS General Insurance Company.

4. None appears for the claimants though served.
5. I have heard learned counsel for the appellant/Insurance Company, considered his submissions made herein-above and went through the records with utmost circumspection.

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6. In the accident, two vehicles were involved. The first vehicle was MP-65-GA/1154 which was owned by Mithlesh Pathak, driven by Dharmendra and insured by Cholamandlam MS General Insurance Company, and the other vehicle bearing registration No.CG-12S/6143 was owned by Smt. Sanju Yadav, driven by Triveni Yadav and insured by Oriental Insurance Company Limited. On the date of accident, deceased Raju was sitting in the vehicle bearing registration No. CG-12S/6143, owned by Smt.



Sanju Yadav. The Claims Tribunal, after appreciating the oral and documentary evidence on record, particularly the statement of Triveni Yadav, driver of vehicle No. CG-12S/6143, came to the conclusion that the vehicle bearing registration No.CG-12S/6143 caused the accident and the said accident occurred on account of sole negligence on the part of vehicle No.CG-12S/6143 driven by Triveni Yadav. Thus, the finding recorded by the Claims Tribunal that the vehicle bearing registration No.CG-12S/6143 owned by Smt. Sanju Yadav, driven by Triveni Yadav and insured by Oriental Insurance Company Limited is solely responsible for death of Raju Yadav, is the correct finding of fact based on evidence available on record, which is neither perverse nor contrary to the record. The said finding is hereby affirmed. Accordingly, the argument advanced by learned counsel for the appellant/Insurance Company that the vehicle bearing registration No.MP-65-GA/1154, owned by Mithlesh Pathak, driven by Dharmendra and insured by Cholamandlam MS General Insurance Company should also be fastened liability is hereby rejected.

7. I do not find any merit in the appeal preferred by the appellant/ Insurance Company, the same deserves to be and is hereby dismissed.

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8. Though none appears on behalf of the claimants to press this Appeal, however, considering the facts and circumstances of the



case, this Court is of the opinion that the compensation awarded in favour of the claimants deserves to be enhanced. As such, the claimants will be entitled for the following compensation as computed by this Court:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income per month	Rs.6,107/-	Rs.6,107/- (as per minimum wages)
2.	Yearly income	Rs.6,107 x 12 = Rs.73,284/-	Rs.6,107 x 12 = Rs.73,284/-
3.	Future prospects	(+) 50% of Rs.73,284/- = 36,642/-	(+) 50% of Rs.73,284/- = 36,642/-
4.	Yearly income including future prospects	Rs.73,284/- + Rs.36,642/- = Rs.1,09,926/-	Rs.73,284/- + Rs.36,642/- = Rs.1,09,926/-
5.	Dependents/ deduction (total 4)	Rs.1,09,926 x ¼ =27,481/-	Rs.1,09,926 x ¼ =27,481/-
6.	Yearly income after deduction	Rs.1,09,926 – Rs.27,481 = Rs.82,445/-	Rs.1,09,926 – Rs.27,481 = Rs.82,445/-
7.	Multiplier	17 (age of deceased being 30 years)	17 (age of deceased being 30 years)
8.	Loss of dependency (yearly income x multiplier)	Rs.82,445 x 17 = Rs.14,01,565/-	Rs.82,445 x 17 = Rs.14,01,565/-
9.	Conventional heads (funeral expenses + loss of estate)	Rs.15,000/- + Rs.15,000/- = Rs.30,000/-	Rs.15,000/- + Rs.15,000/- = Rs.30,000/-
10.	Consortium (spousal, filial, parental)	Rs.40,000/-	Rs.1,60,000/-
11.	Physical & mental pain and agony	Rs.20,000/-	-
	Grand Total	Rs.14,51,557/-	Rs.15,91,565/-



9. In view of the aforesaid analysis, the amount of compensation of **₹14,51,557/-** awarded by the Claims Tribunal is enhanced to **₹15,91,565/-**. Hence, after deducting the amount of **₹14,51,557/-**, the claimants are held to be entitled to an additional amount of **₹1,40,008/-**. The respondent No.6/Oriental Insurance Company is directed to deposit the amount of compensation within a period of 45 days from the date of receipt of a copy of this order. The additional amount of compensation shall carry interest @ 7% *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.
10. Let a copy of this order be sent to the claimants forthwith, as none appeared on their behalf.
11. In the result, the Appeal preferred by the Insurance Company is dismissed and the Appeal filed by the claimants is allowed to the extent indicated above.

Sd/-
(Sanjay K. Agrawal)
Judge