CGHC010014582020

2026:CGHC:27714

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 162 of 2020

1 - Smt. Gulab Verma W/o Late Gajadhar Verma Aged About 35 Years, R/o Village- Tulsi, Police Station- Neora, District Raipur, Chhattisgarh.

2 - Ku. Prachi Verma D/o Late Gajadhar Verma Aged About 9 Years Through Natural Guardian / Mother Claimant No. 1. R/o Village- Tulsi, Police Station- Neora, District Raipur, Chhattisgarh.

3 - Priyanshu Verma S/o Late Gajadhar Verma Aged About 3 Years Through Natural Guardian / Mother Claimant No. 1. R/o Village- Tulsi, Police Station- Neora, District Raipur, Chhattisgarh.

4 - Smt. Indra Bai Verma W/o Late Ganeshram Verma Aged About 60 Years R/o Village- Tulsi, Police Station- Neora, District Raipur, Chhattisgarh. (Claimants).

--- **Appellants**

versus

1 - Kundan Lal Dheevar Nayak S/o Puranlal Dheevar R/o Village- Balsundra, Police Station And District- Mahasamund, Chhattisgarh. (Driver, Vehicle No. C.G. / 06 / E / 1416).

2 - Kamaldev Chandrakar S/o Chhannu Lal Chandrakar R/o Village- Balsundra, Police Station And District- Mahasamund, Chhattisgarh. (Owner, Vehicle No. C.G. / 06 / E / 1416).

3 - The Bajaj Allianze General Insurance Company Limited Through Officer Incharge, Shiv Mohan Bhavan, Pandri, Raipur, District Raipur, Chhattisgarh. (Insurer, Vehicle No. C.G. / 06 / E / 1416).

--- **Respondent(s)**

And

MAC No. 2252 of 2019

1 - Bajaj Allianz General Insurance Company Limited Through Authorized Officer, Shiv Mohan Bhawan Vidhan Sabha Road Pandri Raipur District Raipur Chhattisgarh...(Insurer).

---**Appellant**

Versus

1 - Smt. Gulab Vermam W/o Late Gajadhar Verma, aged 35 years, R/o Village Tulsi, Post Office And Police Station Nevra, District Raipur Chhattisgarh....(Claimant)

2 - Ku. Prachi Verma D/o Late Gajadhar Verma Aged About 9 Years Through Her Mother Smt. Gulab Verma Respondent No. 01, R/o Village Tulsi, Post Office And Police Station Nevra, District Raipur Chhattisgarh....(Claimant).

3 - Ku. Priyanshu Verma S/o Late Gajadhar Verma Aged About 3 Years Through His Mother Smt. Gulab Verma Respondent No. 01, R/o Village Tulsi ,post Office And Police Station Nevra , District Raipur Chhattisgarh....(Claimant).

4 - Smt. Indra Verma W/o Late Ganeshram Verma Aged About 60 Years R/o Village Tulsi, post Office And Police Station Nevra, District Raipur Chhattisgarh....(Claimant).

5 - Kundan Lal Dheewar S/o Puranlal Dheewar Aged About 24 Years R/o Village Belsondra, Police Station And District Mahasamund Chhattisgarh...(Driver).

6 - Kamal Dev Chandrkar S/o Channulal Chandrakar Aged About 49 Years R/o Village Belsondra, Police Station And District Mahasamund Chhattisgarh...(Owner).

--- Respondent(s)

For Appellants in MA(C) No.162/2020 and for respondent Nos. 1 to 4 in MA(C) No.2252/2019	**:-**	Ms. Anamika Jain, Advocate.
For Respondent No.3. in MA(C) No.162/2020 and Appellant in MA(C) No.2252/2019	**:-**	Mr. G.S. Patel, Advocate.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

06.07.2026

1. Since the aforesaid appeals involve common questions of fact and law, they are being heard and decided by this common order.

2. **MAC No.162/2020** has been filed by the **appellant/claimants** under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") seeking enhancement in the compensation amount and **MAC No.2252/2019** has been filed by the **Insurance Company** against the impugned award dated 05.09.2019 passed by the 5th Additional Motor Accident Claims Tribunal, Raipur, District Raipur, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 255/2016, whereby the Claims Tribunal allowed the claimants' application and awarded ₹14,08,000/- along with interest for death of Gajadhar Verma, fastening liability upon the non-applicants to pay compensation severally or jointly.

<u>MAC No.2252/2019</u>

3. Mr. G.S. Patel, learned counsel for the appellant/Insurance Company in MAC No.2252/2019 would submit that the learned Claims Tribunal has erred in fastening the liability upon the Insurance Company.

4. On the other hand, learned counsel appearing for the claimants in MAC No.2252/2019 would submit that compensation awarded by the learned Claims Tribunal

deserves to be enhanced suitably as the Insurer's appeal being **MA(C) No.1440/2018 [Bajaj Allianz General Insurance Company Limited Vs. Smt. Sahodra Bai & Ors]** has already been dismissed by this Court by order dated 28.02.2026.

5. In the light of order dated 28.02.2026 passed in MA(C) No.1440/2018 dismissing the Insurer’s appeal arising out the same accident, the MA(C) No.2252/2019 is hereby also dismissed.

MA(C) No.162/2020.

6. Ms. Anamika Jain, learned counsel for the appellants/claimants, would submit that the Claims Tribunal has erred in awarding the less compensation. She would also submit that the deceased was involved in construction work and earning Rs.60,000/- per month & filing income tax return regularly but the Claims Tribunal erred in assessing income of the deceased ₹7,000/- per month. She would further submit that under the heads of consortium, funeral expenses less amount has been awarded and no amount under the head loss of estate has

been awarded by the Claims Tribunal. Thus, the impugned award is liable to be enhanced suitably.

7. Mr. G.S. Patel, learned counsel for the Insurance Company, would oppose the prayer made by learned counsel for the appellant.

8. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records minutely.

9. Learned Claims Tribunal without considering the income tax return filed by the claimants for the year 2011-12, 2012-13 & 2013-14, and examination of the income tax official, assessed the monthly income of deceased to be Rs.7,000/-. It is evident that the claimants have produced the Income Tax Returns of the deceased for the Assessment Years 2011-12, 2012-13 and 2013-14. The returns of assessment year 2012-2013 disclose a gross annual income of Rs.2,62,445/- along with income from other sources amounting to Rs.94,800/-. The learned Tribunal discarded the said Income Tax Returns solely on the ground that the income disclosed therein was based on estimation and that no documentary evidence regarding the monthly income of

the deceased had been produced. In the considered opinion of this Court, the said approach is unsustainable. The Income Tax Returns, having been duly produced and exhibited, constitute relevant documentary evidence for determining the income of the deceased. In the absence of any material to establish that the returns were fabricated, manipulated or otherwise unreliable, there was no justification for ignoring the income disclosed therein. In case of compensation, ITR will be considered as a mandatory document and as a result of which, the income of the deceased deserves to be assessed on the basis of the Income Tax Returns for the purpose of determination of just compensation. Furthermore, under the heads of consortium, funeral expenses less amount has been awarded and no amount under the head loss of estate has been awarded by the Claims Tribunal which is liable to be enhanced.

10. Thus, in light 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**

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1 (2017) 16 SCC 680

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.	Annual Income	Rs.7,000/- x 12 = Rs.84,000/-	Rs2,62,445/- + 94,800/- = Rs.3,57,245/-
2.	Net Income	--	Rs. 3,12,697/- (Rs.357245 - Rs.44,548/-)
3.	Future Prospect	(+)40% of 84,000/-; Total = Rs.33,600/-	(+)40% of Rs.3,12,697 = Rs.1,25,079
4.	Yearly Income	Rs.1,17,600/- (Rs.84,000 + Rs.33,600/-)	Rs.4,37,776/- (Rs.3,12,697 + Rs.1,25,079/-)
5.	Deduction	(-) ¼ = Rs.29,400/- (Total Income Rs.88,200/-)	(-) ¼ = Rs.1,09,444/- (Total Income Rs.3,28,332/-)
6.	Multiplier	(x) 15 = Rs. 13,23,000/-	(x) 15 = Rs.49,24,980/-
7.	Loss of Estate	Rs.30,000/-	Rs.20,000/-
8.	Loss of Consortium	Rs.40,000/-	Rs.40,000 x 4 = Rs.1,60,000/-
7.	Funeral Expenses	Rs.15,000/-	Rs.20,000/-
	Total	**Rs.14,08,000/-**	**Rs.51,24,980/-**

[2] (2009) 6 SCC 121
[3] (2018) 18 SCC 130

11. In view of the aforesaid analysis, the amount of compensation of **Rs.14,08,000/-** awarded by the Claims Tribunal is enhanced to **Rs.51,24,980/-**. Hence, after deducting the amount of **Rs.14,08,000/-**, the appellant/claimants are held to be entitled to an additional amount of **Rs.37,16,980/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of 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.

12. Accordingly, MAC No.162/2020 appeal is allowed in part and the impugned award is modified to the extent as indicated herein-above.

SD/-
(Sanjay K. Agrawal)
Judge

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