



CGHC010004562023



2026:CGHC:44084

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 103 of 2023

1 - Krishna Kumar Yadav S/o Vislal Yadav, Aged About 45 Years R/o Beech Para, Chilhati, police Station Sarkanda District Bilaspur Chhattisgarh.

2 - Smt. Santoshi Yadav W/o Shri Krishna Kumar Yadav, Aged About 40 Years R/o Beech Para, Chilhati, police Station Sarkanda District Bilaspur Chhattisgarh.

3 - Smt. Triveni Yadav W/o Late Shri Taresh Kumar Yadav Aged About 20 Years R/o Beech Para, Chilhati, police Station Sarkanda District Bilaspur Chhattisgarh.

4 - Avtar Yadav S/o Late Shri Taresh Kumar Yadav, Aged About 2 Years Minor Through The Natural Guardian Appellant No. 3 Smt. Triveni Yadav W/o Late Shri Taresh Kumar Yadav, R/o Beech Para, Chilhati, police Station Sarkanda District Bilaspur Chhattisgarh.

5 - Aryadeep Yadav S/o Late Shri Taresh Kumar Yadav Aged About 6 Years Minor Through The Natural Guardian Appellant No. 3 Smt. Triveni Yadav W/o Late Shri Taresh Kumar Yadav, R/o Beech Para, Chilhati, police Station Sarkanda District Bilaspur Chhattisgarh. **... Appellants**

versus

1 - Mukesh Kumar Yadav S/o Jagdish Prasad Yadav, Aged About 29 Years R/o Village Matiyari, Police Station Seepat, District Bilaspur Chhattisgarh. (Driver of Offending Vehicle Hywa No. C.G. 10 AE -8109).

2 - Smt. Urmila Agrahari W/o Shri Rakesh Agrahari Aged About 40 Years R/o ward No. 1, Village Matiyari, Janji, Police Station Seepat, District Chhattisgarh. (Owner of Offending Vehicle Hywa No. C.G. 10 AE -8109).

3 - United India Insurance Company Limited, Through The Branch Manager, United India Insurance Limited, L.I.C. Building, 1st Floor, Magar Para Road, Bilaspur, Tahsil and District Bilaspur Chhattisgarh. (Insurer of Offending Vehicle Hywa No. C.G. 10 AE -8109) **... Respondents**

For the appellants	: Mr. Keshav Dewangan, Advocate
For respondent no.3	: Mr. Anil Gulati, Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

12.10.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed by the claimants seeking enhancement of compensation, challenging the impugned award dated 05.11.2022 passed by the learned VIII Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.1082/2019 whereby a total compensation of Rs. 21,35,120/- has been awarded for the death of Taresh Kumar.

2. As per the pleadings of the claim application filed under Section 166 of the MV Act, on 01.11.2018 deceased Taresh Yadav along with his friend Chintu @ Gulsher Ali was coming to their village Chilhati. Since the house of Gulsher was situated near Mosque at Chilhati, deceased Taresh dropped him near Mosque. After parking his motorcycle there, both were discussing something while standing at the motorcycle. At that time, respondent no.1 driving the offending Hiwa No.C.G.10-A.E/8109 in rash and negligent manner came on wrong side and hit the deceased, as a result of which, deceased Taresh sustained grievous injuries and died on the spot. Whereas his friend Gulsher Ali was thrown away at some distance, resutantly he suffered grievous injuries. The motorcycle of the deceased was also badly damaged. Appellants 1 & 2 are parents, appellant no.3 is widow and appellants 4 & 5 are children of deceased. They being legal heirs of deceased filed claim application u/s 166 of MVA claiming a total compensation of Rs. 92 lakhs.

3. Learned counsel for the appellants submits that the deceased was skilled worker and the income taken by the Tribunal is on lower side. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no.3/Insurer submits that in absence of any credible evidence regarding the nature of job, the income taken by the Tribunal is just and proper and the impugned award needs no interference.

5. I have heard learned counsel for the parties, considered their rival

submissions and perused the record with utmost circumspection.

6. The claimants pleaded that the deceased was earning monthly income of Rs.18,000/- by doing the job of driver in addition to Rs. 10,000/- by dealing in diary business. However, in absence of cogent or credible proof regarding nature of job and the income, the Tribunal has properly classified him as an unskilled labourer and took his monthly income at ₹8,400/month based on minimum wage rates, which cannot be said to be on lower side.

7. In view of the above discussion, this Court finds no illegality or infirmity in the impugned award passed by the learned Claims Tribunal. The compensation awarded is just and reasonable, warranting no further enhancement or modification.

In the result, this appeal fails and is hereby **dismissed**.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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