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CGHC010010342023

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 99 of 2023

1 - Smt. Hemlata W/o Late Rajendra Bhardwaj, Aged About 30 Years
R/o I.B.P. Mohalla, Purani Pani Filter, Vikas Nagar Kusmunda Post
And Police Station Kusmunda, Tehsil Katghora, District : Korba,
Chhattisgarh

2 - Minor Divya Prakash, D/o Late Rajendra Bhardwaj, Aged About
12 Years Through Her Represent Mother Smt. Hemlata R/o I.B.P.
Mohalla, Purani Pani Filter, Vikas Nagar Kusmunda Post And Police
Station Kusmunda, Tehsil Katghora, District : Korba, Chhattisgarh

3 - Sabhairam, S/o Late Tarasram Aged About 65 Years R/o I.B.P.
Mohalla, Purani Pani Filter, Vikas Nagar Kusmunda Post And Police
Station Kusmunda, Tehsil Katghora, District : Korba, Chhattisgarh

4 - Smt. Tulsi Bai W/o Sabhairam Aged About 60 Years R/o I.B.P.
Mohalla, Purani Pani Filter, Vikas Nagar Kusmunda Post And Police
Station Kusmunda, Tehsil Katghora, District : Korba, Chhattisgarh

... Appellants

versus

1 - Sunil Kumar Loniya S/o Ramvachan Loniya, Aged About 36 Years R/o Near Mohan Dukan, Patharipara, Ward No. 17, Chowki Rampur District Korba, Chhattisgarh. (Driver)

2 - Udey Kumar Singh S/o S.D. Singh Aged About 55 Years R/o House No. 1006, Amraiypara, Near Sharda Vihar, Chowki Manikpur, Tehsil And District Korba, Chhattisgarh (Owner)

3 - Megma, H.D.I. General Insurance Company Limited, Indira Complex, Transport Nagar, Korb, District Korba Chhattisgarh. (Insurer)

--- **Respondent(s)**

For Appellants	:	Mr. Vijay Kumar Sahu, Advocate
For Respondents No.1 & 2	:	Ms. Sonali Kesharwani, Adv. on behalf of Mr. GV Kutumba Rao, Adv.
For Respondent No.3	:	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(09.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 04.11.2022, passed in Claim Case No.107/2019 by learned 2nd Motor Accident Claims Tribunal, Katghora, District Korba (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.13,36,700/- as compensation for the death of Rajendra Bhardwaj who was aged about 35 years and died in a road accident which took place on

29.07.2018.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondents No.1 & 2 submits that at the time of accident, the offending vehicle was insured with Respondent No.3, therefore, Respondents No.1 & 2 are not liable to pay any amount of compensation.
4. None appeared on behalf of Respondent No.3.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. In the case at hand, it is true that the learned Tribunal has taken the monthly income of the deceased to be Rs.5688/-, which ought to be Rs.8100/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, to that extent the impugned award needs to be modified.
7. 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 Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 5688/- monthly	Rs. 8100 x 12 = 97,200/-
2.	Future prospect	(+)40% (i.e. Rs. 2275.2) = 7963.20/- monthly and Rs.95558.4/- annually	(+)40% (i.e. Rs. 38,880) = 1,36,080/-
3.	Deduction	(-) 1/4 (i.e. 23889.6) = 71,668.8/-	(-) 1/4 (i.e. 34020) = 1,02,060/-
4.	Multiplier	(x) 16 = 11,46,700/- in round figure	(x) 16 = 16,32,960/-
5	Other conventional heads	Rs. 1,90,000/-	Rs. 1,90,000/- (15000+15000+160 000)
	Total	Rs. 13,36,700/-	Rs. 18,22,960/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.13,36,700/- awarded by the Claims Tribunal is enhanced to Rs.18,22,960/-. Hence, after deducting the amount of Rs.13,36,700/-, the appellants are held entitled for an additional amount of Rs.4,86,260/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

9. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
10. The Registry is directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

-Shubham