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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 575 of 2024

1 - Soma Bai Wd/o Gouthar Singh Aged About 40 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

2 - Yashoda D/o Gouthar Singh Aged About 22 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

3 - Amika D/o Gouthar Singh Aged About 20 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

4 - Yashraj @ Yashav Raj S/o Gouthar Singh Aged About 20 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

5 - Ashwani D/o Gouthar Singh Aged About 18 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

6 - Dev Kumar S/o Gouthar Singh Aged About 16 Years Minor Through Natural Guardian Mother Soma Bai, R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, Distt. Balaghat (M.P.), At Present R/o In The House Of Rakesh Raikesh, Bandhwapara, P.S. Torwa Behind Sindhi Dharamshala, Bilaspur, District : Bilaspur, Chhattisgarh

7 - Prem Singh S/o Late Dhodha Singh Aged About 70 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, District : Balaghat, Madhya Pradesh

8 - Shanti Bai W/o Prem Singh Aged About 67 Years R/o Vill. Chhatarpur, Rengakhar Road, Post Jaitpuri, Tah. Baihar, District : Balaghat, Madhya Pradesh

... Appellants

versus

1 - A. Salwaraju S/o A. Angmuthu R/o 42/25-A Gandhi Nagar, Attur, Post Office Tike Salam, Distt. Attur Salam, Tamilnadu.

2 - The New India Insurance Company Limited Branch Office, Bilaspur, District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellants	:	Mr. FS Khare, Advocate
For Respondent No.1	:	None
For Respondent No.2	:	Mr. Azad Siddiqui, Advocate

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 09.10.2023, passed in Claim Case No.776/2019 by learned 8th Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur(CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.19,77,880/- as compensation for the death of Gauthar Singh who was aged about 40 years and died in a road accident which took place on 25.04.2017.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side; the Tribunal has assessed Rs. 8,866/- per month for 26 days of working, whereas it ought to have been assessed on the basis of 30 days of working. Further, the Tribunal has added future prospects as 25%, which ought to have been 40%. Therefore, the instant appeal may be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No.2/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. In the case at hand, the learned Tribunal has taken the monthly income of the deceased to be Rs. 8,866/-. Even if viewed from the perspective of the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh, the income as on the date of accident would be Rs. 7,930/-, whereas the Tribunal has taken it as Rs. 8,866/-, which is just and proper.
6. The second argument of the learned counsel for the appellant is that the Tribunal has added a lower percentage towards future prospects. At the time of the accident, the deceased was aged about 40 years. The Tribunal has added 25% towards future prospects, which is in accordance with **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors²**.
7. In view of the aforesaid discussion, this Court finds that the compensation awarded by the learned Claims Tribunal is just, proper and based on proper appreciation of evidence and in consonance with the law laid down by the Hon'ble Supreme Court in **Pranay Sethi** (supra) and **Sarla Verma** (supra). No case for enhancement is made out. Accordingly, the appeal being devoid of merit, is hereby **dismissed**.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

-Shubham

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121