



CGHC010062112025



2026:CGHC:33264

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 452 of 2025**

- 1** - Mohan Ram Sethiya S/o Ajman Sethiya Aged About 45 Years R/o Pondum Hospital Para, District- Dantewada (C.G.)
- 2** - Dasrathi Sethiya S/o Mohan Ram Sethiya Aged About 23 Years R/o Pondum Hospital Para, District- Dantewada (C.G.)
- 3** - Dinesh Sethiya S/o Mohan Ram Sethiya Aged About 18 Years R/o Pondum Hospital Para, District- Dantewada (C.G.)

... Appellants**versus**

- 1** - Sonuram Podiyam S/o Hidma Ram Podiyam Aged About 32 Years R/o Villagee Tumakpal, Pujaripara, Police Station And District Dantewada (C.G.) (Driver Of Offending Vehicle Pick-Up Bearing Registration No. Cg 18 K 9488)
- 2** - Smt. Rameshwari Uike D/o Yogesh Uike R/o Village Parcheli Rautpara, Katekalyan, District Dantewada (C.G.) (Registered Owner Of Offending Vehicle Pick-Up Bearing Registration No. Cg 18 K 9488)
- 3** - Branch Manager, Universal Sampo General Insurance Company Limited, Branch Office- First Floor B 07, Shri Ram Nagar, T.V. Tower Road, Raipur, District Raipur C.G. Pin No. 492001 Headquarter-Sector 09, First Floor, A.Bo.V. Central Bank Of India, Sector 10 Panchkula (Haryana) (Insurer Of Offending Vehicle Pick-Up Bearing Registration No. Cg 18 K 9488)

... Respondents

For Appellants/Claimants : Mr. Kalpesh Ruparel, Advocate.

For Respondents No. 1 & 2 : None.

For Respondent No. 3 : None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(31.07.2026)

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 02.04.2024, passed in M.A.C. No.33/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,04,000/- as compensation for the death of Late Laxmi Sethiya, who died in a road accident which took place on 07.01.2023.
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 as Rs. 8,000/- per month, whereas the deceased was involved in doing agricultural work and labour and earning Rs. 15,000/- per month; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which need to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. No one appeared on behalf of the respondents during final hearing of the case.
4. I have heard learned counsel for the appellants and went through the records with utmost circumspection.
5. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 8,000. According to the appellant Mohanram Sethiya (AW-1), the

deceased was aged about 40 years and used to earn Rs. 15,000/- per month from the agricultural work and labour, but no documents have been produced in support of this fact, hence, it would proper to take her monthly income of Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Furthermore, in other conventional heads the Tribunal has granted only Rs.84,000/- which ought to be Rs.1,80,000/-, to that extent the impugned award needs to be modified.

6. 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 compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 8000 x 12 = 96,000/-	Rs. 9,960 x 12 = 1,19,520/-
2.	Future prospect	(+)25% (i.e. Rs. 24,000) = 1,20,000/-	(+)25% (i.e. Rs. 29,880) = 1,49,400/-
3.	Deduction	(-) 1/3 (i.e.40,000) = 80,000/-	(-) 1/3 (i.e. 49,800) = 99,600/-
4.	Multiplier	(x) 14 = 11,20,000/-	(x) 14 = 13,94,400/-
5	Other conventional heads	Rs. 84,000/-	Rs. 1,80,000/- (18000+18000+1,44,000)
	Total	Rs. 12,04,000/-	Rs. 15,74,400/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

7. In view of the aforesaid analysis, the amount of compensation of Rs.12,04,000/- awarded by the Claims Tribunal is enhanced to Rs.15,74,400/-. Hence, after deducting the amount of Rs.12,04,000/-, the appellants are held entitled for an additional amount of **Rs.3,70,400/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
9. 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