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2026:CGHC:43383

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 551 of 2025

1 - Punitram Nag S/o Vishram Singh Aged About 52 Years R/o Village Amali, Post Amali, Tahsil Nagri, District Dhamtari Chhattisgarh

2 - Smt. Sangeeta Bai Nag W/o Punitram Nag Aged About 47 Years R/o Village Amali, Post Amali, Tahsil Nagri, District Dhamtari Chhattisgarh

3 - Aman Nag S/o Punitram Nag Aged About 18 Years R/o Village Amali, Post Amali, Tahsil Nagri, District Dhamtari Chhattisgarh

... Appellants

versus

1 - Bhagwat Sahu S/o Rajkumar Sahu Aged About 33 Years R/o Kumhi, Post Kirwai, Tahsil Rajim, District Gariyaband Chhattisgarh (Driver Of Offending Vehicle Highwa Bearing Registration No. C.G.04 M. 9048)

2 - Kamalnarayan Sahu S/o Awadh Ram Sahu Aged About 36 Years R/o Dharam Nagar, Pachpedi Naka, Near Shiv Mandir, Ward No. 58, Raipur, Tahsil And District Raipur Chhattisgarh (Owner Of Offending Vehicle Highwa Bearing Registration No. C.G.04 M. 9048)

3 - Branch Manager The New Indian Insurance Company, Office First Floor, Madina Building, Jail Road, Raipur, Tahsil And District Raipur Chhattisgarh (Insurer Of Offending Vehicle Highwa Bearing Registration No. C.G.04 M. 9048)

... Respondents

For Appellants/Claimants : Mr. B.L. Sahu, Advocate.

For Respondents No. 1 & 2 : None.

For Respondent No. 3 : Mr. Samir Singh, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(07.10.2026)

1. Heard on I.A. No. 01/2025, application for condonation of delay under Section 5 of the Limitation Act.
2. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2025 is allowed. Delay of 154 days in filing the appeal is condoned.
3. Also heard on admission.
4. Admit.
5. Records of the Tribunal have been received.
6. With the consent of the parties, the matter was heard finally.
7. 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 19.06.2024, passed in Claim Case No.26/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,92,360/- as compensation for the death of Late Abhay Kumar Nag (19 years old), who died in a road accident which took place on 26.12.2022.
8. 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.7,800/- per month, whereas the minimum wages were Rs. 9,960/- per month on the date of the accident i.e. 26.12.2022; 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 needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

9. Learned counsel for respondent No. 3/insurance company supported the impugned award.

10.I have heard learned counsel for the parties and went through the records with utmost circumspection.

11.In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 7,800. According to the claimants, the deceased was aged about 19 years and was working as clerk in Jay Kishan Traders; he used to earn Rs. 15,000/- per month from his work, but no documents have been produced in support of this fact, hence, it would proper to take his 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.1,13,000/- which ought to be Rs.1,65,000/-, to that extent the impugned award needs to be modified.

12.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. 7,800 x 12 = 93,600/-	Rs. 9,960 x 12 = 1,19,520/-
2.	Future prospect	(+)40% (i.e. Rs. 37,440) =	(+)40% (i.e. Rs. 47,808) = 1,67,328/-

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

		1,31,040/-	
3.	Deduction	(-) 1/2 (i.e. Rs. 65,520) = 65,520/-	(-) 1/2 (i.e. Rs. 83,664) = 83,664/-
4.	Multiplier	(x) 18 = 11,79,360/-	(x) 18 = 15,05,952/-
5	Other conventional heads	Rs. 1,13,000/- [16,500+16,500+80,000]	Rs. 1,65,000/- [16,500+16,500+(44,000x3)]
	Total	Rs. 12,92,360/-	Rs. 16,70,952/-

- 13.** In view of the aforesaid analysis, the amount of compensation of Rs.12,92,360/- awarded by the Claims Tribunal is enhanced to Rs.16,70,952/-. Hence, after deducting the amount of Rs.12,92,360/-, the appellants are held entitled for an additional amount of **Rs.3,78,592/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the appeal before this Court i.e. 21.02.2025 till its realization. Rest of the conditions of the impugned award shall remain intact.
- 14.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 15.** 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