



CGHC010095762023



2026:CGHC:44138

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 589 of 2023**

1 - Arjundas Manikpuri S/o Late Sevakdas Manikpuri Aged About 29 Years Resident Of Village Pandhi, Tehsil And Police Station- Arang, District : Raipur, Chhattisgarh

2 - Arun Das Manikpuri S/o Sevakdas Manikpuri Aged About 25 Years Resident Of Village Pandhi, Tehsil And Police Station- Arang, District : Raipur, Chhattisgarh

3 - Ms. Bhanu Priya Manikpuri D/o Sevakdas Manikpuri Aged About 21 Years Resident Of Village Pandhi, Tehsil And Police Station- Arang, District : Raipur, Chhattisgarh

... Appellants**versus**

1 - Aftab Qureshi S/o Azizuddin Qureshi Aged About 22 Years R/o Arang, Tehsil And Police Station- Arang, District - Raipur (Chhattisgarh)
.....**Driver**

2 - Azizuddin Qureshi S/o Alauddin Qureshi Aged About 50 Years R/o Arang, Tehsil And Thana- Arang, District - Raipur (Chhattisgarh)
.....**Owner**

3 - Cholamandalam M. S. General Insurance Company Limited By The Manager, 2nd Floor, Simran Tower, Pandari Road, L.I.C. Opposite Building, Raipur, District- Raipur (Chhattisgarh) Insurance Company

... Respondents

For Appellants	: Ms. Shruti Shrivastava, Advocate.
For Respondent Nos. 1 & 2	: None
For Respondent No.3	: Mr. Harshmander Rastogi, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(12.10.2026)

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 19.10.2022, passed in Motor Accident Claim Case No.131/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,07,256/- as compensation for the death of Late Sushila Manikpuri, who died in a road accident which took place on 05.12.2021.
2. Learned counsel for the appellant submits that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. The deceased at the relevant time was working as labour and earning Rs.400/- per day and Rs.12,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.7,800/- in view of Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour, which is not justified. Therefore, the impugned award needs to be enhanced suitably.
3. None for respondent Nos. 1 & 2.
4. Learned counsel for respondent No.3/insurance company opposing the argument advanced by learned counsel for the appellant submits that the learned Tribunal, after appreciating oral and documentary evidence, has rightly passed the impugned award and has rightly awarded amount under the conventional

heads, which need no interference by this Court.

5. I have heard learned counsel for the appellant and respondent No.3, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Sushila Manikpuri was labour and earning Rs.400/- per day and Rs.12,000/- per month. However, no cogent and reliable evidence was adduced to substantiate this claim. The learned Tribunal has indeed taken the monthly income of the deceased at Rs.7,800/-. Considering the deceased as unskilled labourer at the time of accident i.e. 05.12.2021, it would proper to take his monthly income of Rs.9,280/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.
7. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 05.12.2021, the fact that she was married aged 50 years, and number of dependents (03), has rightly taken future prospect of 25%, deducted 1/3rd towards personal expenses and applied multiplier of 13 respectively, along with Rs.16,500/- towards loss of estate, Rs.16,500/- towards funeral expenses, Rs.1,32,000/- (44,000x3) towards parental consortium and Rs.28,256/- towards medical expenses, which, in the facts and circumstances of the case, is just and proper and calls for no interference.
8. 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**

1(2017) 16 SCC 680

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. 7800x12 = Rs.93,600/-	Rs. 9280x12 = Rs.1,11,360/-
2.	Future prospect	(+)25% (i.e. Rs. 23,400) = Rs.1,17,000/-	(+)25% (i.e. Rs. 27,840) = =Rs.1,39,200/-
3.	Deduction	(-) 1/3 (i.e. Rs.39,000) = Rs.78,000/-	(-) 1/3 (i.e. Rs.46,400) = Rs.92,800/-
4.	Multiplier	(x) 13 = Rs.10,14,000/-	(x) 13 = Rs.12,06,400/-
5	Towards Loss of consortium to all 03 claimants	(Rs.44,000 x 3) Rs.1,32,000/-	Rs. 44,000 x 3 = Rs.1,32,000/-
6.	Towards Loss of Estate	Rs.16,500/-	Rs.16,500/-
7.	Towards funeral expenses	Rs.16,500/-	Rs.16,500/-
9.	Towards Medical Expenses	Rs.28,256/-	Rs.28,256/-
	Total	Rs. 12,07,256/-	Rs.13,99,656/-

9. In view of the aforesaid analysis, the amount of compensation of Rs.12,07,256/- awarded by the Claims Tribunal is enhanced to Rs.13,99,656/-. Hence, after deducting the amount of Rs.12,07,256/-, the appellants are held entitled for an additional

2(2009) 6 SCC 121
3(2018) 18 SCC 130

amount of **Rs.1,92,400/-**. 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.

- 10.** In the result, The appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 11.** 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