



CGHC010104962025



2026:CGHC:44234

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 661 of 2025

- 1** - Smt. Shahina Begum W/o Late Mohd. Wakil Qureshi Aged About 30 Years R/o Takiyapara, Durg, Tahsil And District- Durg (C.G.)
- 2** - Ku. Aliya Parveen D/o Late Mohd. Wakil Qureshi Aged About 8 Years Minor Through Legal Guardian Mother Smt. Shahina Begum, W/o Late Mohd. Wakil Qureshi, R/o Takiyapara, Durg, Tahsil And District- Durg (C.G.)
- 3** - Ku. Alvira Parveen D/o Late Mohd. Wakil Qureshi Aged About 10 Years Minor Through Legal Guardian Mother Smt. Shahina Begum, W/o Late Mohd. Wakil Qureshi, R/o Takiyapara, Durg, Tahsil And District- Durg (C.G.)
- 4** - Mohammed Vasir Qureshi S/o Late Mohd. Wakil Qureshi Aged About 5 Years Minor Through Legal Guardian Mother Smt. Shahina Begum, W/o Late Mohd. Wakil Qureshi, R/o Takiyapara, Durg, Tahsil And District- Durg (C.G.)
- 5** - Smt. Jameela Begum W/o Late Mohd. Hafiz Qureshi Aged About 55 Years R/o Takiyapara, Durg, Tahsil And District- Durg (C.G.)

... Appellant(s)

versus

- 1** - Abhisehk Kumar Sahu S/o Ashok Kumar Sahu R/o- 901, Om Society Road, Sunder Nagar, Raipur (C.G.) (Driver Of Vehicle No. CG04MS2149)

2 - Virendra Yadav S/o Late Shyam Lal Yadav Add.- 8/727 Bada, Ashok Nagar, Ward No. 03, Raipur (C.G.) (Owner Of Vehicle No. CG04MS2149)

3 - National Insurance Company Limited, Raipur (C.G.) Through-Branch Office - Akash Ganga, Supela, Bhilai, Distt.- Durg (C.G.) (Insurance Company Of Vehicle No. CG04MS2149)

... Respondent(s)

For Appellant(s) : Mr. Arman Memon Adv., on behalf of
Mr. Syed Majid Ali, Advocate

For Respondent : Mr. Pravesh Sahu, Adv. on behalf of
No.3 Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(13.10.2026)

1. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter was heard finally.
2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 20.11.2024 passed by the Fifth Additional Motor Accident Claims Tribunal, Durg (C.G.), in M.A.C.T. No.593/2021, whereby the Claims Tribunal has awarded a total sum of ₹26,28,672/- as compensation for the death of Mohammed Vakil Qureshi, who died in a road accident that took place on 18.06.2021.

- 3.** Learned counsel appearing for the appellants/claimants submits that the deceased was earning Rs.25,000 per month working as a Manager at RBS Motors. However, the Tribunal considering the deceased as higher qualified assessed his monthly income at Rs.11,670 which is much lower than his income which needs to be suitably enhanced. In support of his contention he relied upon the judgments of the Hon'ble Supreme Court in the case of Mohammed Siddique & Anr. v. National Insurance Company Ltd., (2020) 3 SCC 57 and in the case of Rasmita Sahu & Ors. v. The Divisional Manager and Anr., 2025 SCC OnLine SC 3435.
- 4.** Per contra, learned counsel appearing for the respondent No.3 Insurance Company opposes the submissions made on behalf of the appellants and submits that, in the facts and circumstances of the case, the award passed by the Claims Tribunal is just and proper and does not call for any enhancement.
- 5.** Heard learned counsel for the parties and perused the record with due circumspection.
- 6.** To establish the income of the deceased, the claimants examined Riyaz Mohammad (AW-2), who claimed to be the proprietor of RBS Motors and produced the salary certificate of the deceased (Ex. P-8) and the registration certificate of the

shop and establishment of RBS Motors (Ex. P-9C). As per the said registration certificate, RBS Motors was engaged in denting, painting and mechanical work of four-wheelers. According to his testimony, the deceased was working as a Manager in RBS Motors and was being paid a monthly salary of ₹25,000/-. However, during his cross-examination, Riyaz Mohammad admitted that he had not produced the salary register or any other record relating to the appointment of employees working at RBS Motors. He had also not produced any list of employees, any evidence showing the details of salary paid to them from time to time, or his income tax returns. Further, the serial number of the document is left blank in the salary certificate (Ex.P-8). Thus, no reliable documentary evidence has been produced to establish that the deceased was employed at RBS Motors prior to his death. Moreover, no educational certificate or other evidence has been adduced to establish the educational qualifications of the deceased. In these circumstances, the testimony of Riyaz Mohammad (AW-2) does not inspire confidence and cannot be relied upon to accept the claimants' assertion regarding the income of the deceased.

7. The Tribunal has assessed the income of the deceased at ₹11,670/- per month. However, considering the number of claimants and the oral evidence regarding income, the

monthly income of the deceased is reassessed at ₹13,000/-.

8. The deceased was aged about 35 years and a non-salaried person at the time of accident. There are five claimants in the present case.
9. Considering the date of the accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, the deduction towards personal expenses, the multiplier applied and the amount granted under conventional heads by the Tribunal are just, proper and in accordance with law.
10. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **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**, the compensation is recomputed as under:-

Sl. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	$11,670 \times 12 = 1,40,040$	$13,000 \times 12 = 1,56,000$
2.	Future prospects	$(+) 40\% \text{ (i.e. } 56,016) = 1,96,056$	$(+) 40\% \text{ (i.e. } 62,400) = 2,18,400$
3.	Deduction towards personal expenses	$(-) 1/4 \text{ (i.e. } 49,014) = 1,47,042$	$(-) 1/4 \text{ (i.e. } 54,600) = 1,63,800$

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

4.	Multiplier	(×) 16 = 23,52,672	(×) 16 = 26,20,800
5.	Funeral Expenses	18,000	18,000
6.	Loss of Estate	18,000	18,000
7.	Loss of Consortium	2,40,000 (48,000 x 5)	2,40,000 (48,000 x 5)
	Total	₹26,28,672/-	₹28,96,800/-

- 11.** In view of the aforesaid analysis, the amount of compensation of ₹26,28,672/- awarded by the Claims Tribunal is enhanced to ₹28,96,800/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹2,68,128/-**. The additional amount of compensation shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its realization. The remaining terms and conditions of the impugned award shall remain unaltered.
- 12.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.
- 13.** The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the concerned Claims Tribunal. Such communication shall be made in Hindi (Devanagari) language, and the assistance of Para-Legal Volunteers may be availed in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai