



CGHC010109702024

2026:CGHC:43439

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 700 of 2024

1 - Smt. Triveni Verma Wife Of Late Tirith Verma Aged About 36 Years At Present Resident Of Village Nawagaon, Police Station Bori, Dist. Durg, C.G. Permanent Resident Of Village Amlidihkala, Police Station Khairagarh, Dist. Rajnandgaon, C.G.

2 - Sarita Verma Daughter Of Late Tirith Verma Aged About 23 Years At Present Resident Of Village Nawagaon, Police Station Bori, Dist. Durg, C.G. Permanent Resident Of Village Amlidihkala, Police Station Khairagarh, Dist. Rajnandgaon, C.G.

3 - Aditi Verma Daughter Of Late Tirith Verma Aged About 9 Years Minor Through Her Natural Guardian Mother Smt. Triveni Verma (Appellant No. 1) At Present Resident Of Village Nawagaon, Police Station Bori, Dist. Durg, C.G. Permanent Resident Of Village Amlidihkala, Police Station Khairagarh, Dist. Rajnandgaon, C.G.

4 - Gayatri Bai Verma Wife Of Late Budharu Ram Verma Aged About 60 Years At Present Resident Of Village Nawagaon, Police Station Bori, Dist. Durg, C.G. Permanent Resident Of Village Amlidihkala, Police Station Khairagarh, Dist. Rajnandgaon, C.G.

... Appellant(s)

versus

1 - Megharam Verma Son Of Hemnath Verma Aged About 54 Years Resident Of Village Kwanr, Police Station Ghumka, Dist.

Rajnandgaon, C.G. (Owner Of Offending Car No. CG-08/AB-6067)

2 - The New India Insurance Company Limited Through Branch Manager Address No. 1- First Floor, Hall No. 4, Commercial Complex, New Bus Station, Rajnandgaon, Dist. Rajnandgaon, C.G.-491441 Address No. 2- Parakh Bhawan, Nagar, Durg, Dist. Durg, C.G.-491001 (Insurer Of Offending Car No. CG-08/AB-6067)

... Respondent(s)

For Appellant(s)	: Mr. Praveen Dhurandhar, Advocate
For Respondent No.1	: Mr. K. K. Dewangan, Advocate
For Respondent No.2	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(07.10.2026)

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel appearing for the parties, the matter is heard finally.
4. 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 06.02.2024, passed by the 8th Additional Motor Accident Claims Tribunal, Durg (CG), in Motor Accident Claim Case No.322/2023, whereby the Claims Tribunal has awarded a total sum of Rs.16,73,041/- as compensation for the death of Tirith Verma, who died in a road accident that took place on 29.10.2019.

5. Learned counsel appearing for the appellants/claimants submits that the Tribunal has committed a manifest error in assessing the monthly income of the deceased at Rs.6,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. Hence, he prays that the instant appeal may be allowed and the compensation awarded by the Tribunal be suitably enhanced in accordance with law.
6. On the other hand, learned counsel appearing for the respondents opposes the submission made by the counsel for appellants and submits that in the facts and circumstances of case, the award passed by the Tribunal is just & proper and does not require any enhancement.
7. Heard learned counsel for the parties, considered their submissions made herein-above and went through the records with utmost circumspection.
8. Though it has been claimed by the claimants that the deceased was earning Rs.12,000/- per month by working as a mason, no documentary evidence has been brought on record to substantiate the said income. The accident occurred on 29.10.2019 and the minimum wages of even an unskilled labourer at that time was Rs.8,600/-. Accordingly, the monthly income of the deceased is reassessed at Rs.8,600/-.
9. On the date of accident, the deceased was aged about 33 years and a non-salaried person. There are total 4 claimants in the present case.
10. 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, the amounts awarded under the conventional heads, and the amount awarded towards medical expenses by the Tribunal are just, proper and in accordance with law.

11. 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	6,00x12 =72,000	8600 x12 =1,03,200
2.	Future prospects	(+)40% (i.e.28,800) = 1,00,800	(+)40% (i.e.41,280) = 1,44,480
3.	Deduction towards personal expenses	(-)1/4 (i.e. 25,200) = 75,600	(-)1/4 (i.e. 36,120) =1,08,360
4.	Multiplier	(x) 16 =12,09,600	(x) 16 = 17,33,760
5.	Funeral Expenses	15,000	15,000
6.	Loss of Estate	15,000	15,000
7.	Loss of Consortium	1,60,000 (40,000 x 4)	1,60,000 (40,000 x 4)
8	Medical expenses	2,73,441	2,73,441
	Total	Rs.16,73,041/-	Rs.21,97,201/-

12. In view of the aforesaid analysis, the compensation of Rs.16,73,041/- awarded by the Claims Tribunal is hereby enhanced to Rs.21,97,201/-. Consequently, after adjusting the amount already awarded by the Tribunal, the

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

appellants/claimants shall be entitled to an additional amount of **Rs.5,24,160/-**. The aforesaid additional/enhanced 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.

- 13.** In the result, the appeal is **partly allowed** and the impugned award stands modified to the extent as indicated herein-above.
- 14.** The Registry is directed to communicate the claimants in writing “the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai