



CGHC010114582026



2026:CGHC:44758

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 801 of 2026**

1 - Smt. Mamta Bai Sahu Wd/o Late Pokhan Lal Sahu Aged About 34 Years R/o Bazar Para, Madeli, Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.

2 - Bheem Sahu S/o Late Pokhan Sahu Aged About 15 Years Minor, Through The Natural Guardian Mother Smt. Mamta Bai Sahu, Wd/o Late Pokhan Lal Sahu, Aged About 34 Years, R/o Bazar Para, Madeli, Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.

3 - Geeta Sahu D/o Late Pokhan Sahu Aged About 11 Years Through The Natural Guardian Mother Smt. Mamta Bai Sahu Wd/o Late Pokhan Lal Sahu, Aged About 34 Years, R/o Bazar Para, Madeli, Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.

4 - Smt. Prabha Bai Sahu W/o Shri Bala Ram Sahu Aged About 54 Years R/o Bazar Para, Madeli, Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.

5 - Bala Ram Sahu S/o Shri Ganesh Ram Sahu Aged About 59 Years R/o Bazar Para, Madeli, Police Station Kurud, Dhamtari, District Dhamtari, Chhattisgarh.....(**Claimants**)

... Appellants

versus

1 - Dharmendra Nishad S/o Shri Radheshyam Nishad Aged About 31 Years R/o Kenwatpara, Badgaon, Post Birkoni Badgaon, Mahasamund, District Mahasamund, Chhattisgarh. (**Driver** Of The Car No. 04NZ/6799)

2 - Ramadhar Sahu S/o Shri Osit Ram Sahu R/o Ward No. 46, Near Pani Tanki, Amlidih, Raipur, District Raipur, Chhattisgarh. (**Owner** Of The Car No. 04NZ/6799)

3 - Reliance General Insurance Company Limited Through The Authorized Officer, Reliance General Insurance Company Limited, Office Address No. 516 National Corporate Park, Fifth Floor, G.E. Road, Raipur, District Raipur, Chhattisgarh. Other Address Shop No. 412, 413, Fourth Floor, Ravi Bhawan, Near Jai Stambh Chowk, G.E. Road, Raipur, District Raipur, Chhattisgarh. (**Insurer** Of The Car No. 04NZ/6799)

... Respondents

For Appellants	: Mrs. Dhaneshwari Patel, Advocate.
For Respondents	: None

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(15.10.2026)

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 25.10.2025, passed in Claim Case No.1081/2024, whereby the learned Claims Tribunal has awarded a total sum of Rs.18,81,000/- as compensation for the death of Late Pokhan Sahu, who died in a road accident which took place on 12.09.2024.

- 2.** Learned counsel for the appellants/claimants submits that the impugned award passed by the learned Tribunal is on the lower side and therefore liable to modified suitably. Learned counsel further submits that the deceased at the relevant time was working as Head Cook in Jai Caterers, Raipur (CG) and was earning Rs.21,000/- per month. However, the learned Tribunal only assessed the monthly income of the deceased at Rs.9,000/- treating him as unskilled labour, which is not justified. She further submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably.
- 3.** None appeared for respondents.
- 4.** I have heard learned counsel for the appellants and perused

the records including the impugned award.

5. As regards the monthly income of the deceased, though the claimants have filed a certificate (Ex.P-14) issued and duly signed by one Ramu Ram, claiming to be the Proprietor of the Jai Caterers, Raipur, but they have not examined the said Ramu Ram before the learned Tribunal to substantiate their plea. Thus, in absence of non-examination of the said Ramu Ram, the credibility of letter (Ex.P-14) becomes doubtful and cannot be relied upon for determining the income of the deceased. That apart, the claimants did not produce any cogent and reliable evidence which could establish the fact that the deceased at the time of accident was skilled labour. Considering the deceased as unskilled labourer at the time of accident i.e. 12.09.2024, it would proper to take his monthly income of Rs.10,380/- 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.
6. The learned Claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 12.09.2024, the fact that he was married aged 39 years, and

number of claimants (05), has rightly taken future prospect of 40%, deducted 1/4th towards personal expenses and applied multiplier of 15 respectively along with Rs.18,000/- towards loss of estate and Rs.18,000/- towards funeral expenses. However, the amount of Rs.48,000/- awarded towards parental consortium to appellant Nos. 2 & 3 and Rs.48,000/- towards filial consortium to appellant Nos. 4 & 5 jointly, does not appear to be just and reasonable in the facts and circumstances of the case and governing the issue, which requires to be enhanced suitably.

7. 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.9,000 x 12 = Rs.1,08,000/-	Rs. 10,380 x 12 = Rs.1,24,560/-

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

2.	Future prospect	(+)40% (i.e. Rs.43,200/-) = Rs.1,51,200/-	(+)40% (i.e. Rs.49,824/-) = Rs.1,74,384/-
3.	Deduction	(-) 1/4 (i.e.37,800/-) = Rs.1,13,400/-	(-) 1/4 (i.e. 43,596/-) = Rs.1,30,788/-
4.	Multiplier	(x) 15 = Rs.17,01,000/-	(x) 15 = Rs.19,61,820/-
5	Towards consortium to all 05 claimants	Rs.1,44,000 /- (Rs.48,000 x 3)	Rs. 48,000 x 5 = Rs.2,40,000/-
6.	Towards Loss of Estate.	Rs.18,000/-	Rs.18,000/-
7.	Towards funeral expenses.	Rs.18,000/-	Rs.18,000/-
	Total	Rs.18,81,000/-	Rs. 22,37,820/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.18,81,000/- awarded by the Claims Tribunal is enhanced to Rs.22,37,820/-. Hence, after deducting the amount of Rs.18,81,000/-, the appellants are held entitled for an additional amount of **Rs.3,56,820/-**. 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.
9. In the result, the appeal filed by the appellants/claimants is **partly allowed** and the impugned award is modified to the

extent as indicated herein-above.

- 10.** 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

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VIJAY BHASKAR
PEKDE
Date: 2026.10.16
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