



CGHC010122852024

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 806 of 2024**

**1** - Yakub Lakada S/o Late Biro Lakada, Aged About 64 Years R/o Quarter No. 33, Govt. Quater, Kashiram Nagar, Police Station Telibandha, District Raipur Chhattisgarh.

**2** - Teresa Lakada W/o Yakub Lakada, Aged About 60 Years R/o Quarter No. 33, Govt. Quater, Kashiram Nagar, Police Station Telibandha, District Raipur Chhattisgarh.

**3** - Ankita Lakada, D/o Yakub Lakada, Aged About 27 Years R/o Quarter No. 33, Govt. Quater, Kashiram Nagar, Police Station Telibandha, District Raipur Chhattisgarh.

**... Appellants**

**versus**

**1** - Himanshu Sahu S/o Tejnath Sahu R/o B.T. I. Road, Behind Electricity Office, Ward No. 29, Mahasamund Police Station And District Mahasamund Police Station And District Mahasamung Chhattisgarh. (Driver of Vehicle No. CG-07-Aw-6196).

**2** - Manish Kumar Agrawal, R/o Quarter No. 117, Nandani Nagar, Dhamdha District Durg Chhattisgarh (Owner of Vehicle No. CG-07-AW-6196).

**3** - The New India Insurance Company Ltd. *through* Divisional Manager, Divisional Officer No. 2, Address Jivan Bima, Marg, Pandari Raipur District Raipur Chhattisgarh (Insurance Company of Vehicle No. CG-07-AW -6196)

**... Respondents**

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For the appellants : Mr. Rakesh Thakur, Advocate

For the respondents : .... None...

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**Hon'ble Shri Justice Sanjay Kumar Jaiswal)**

**Order on Board**

**14.10.2026**

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging the impugned award dated 12.12.2023 passed by the learned IX Additional Motor Accident Claims Tribunal, Raipur (Chhattisgarh) in Claim Case No. 281/2022 whereby a total compensation of Rs.12,13,320/- has been granted for the death of Ashish Lakda.
2. The facts pleaded in claim application regarding accident are that deceased Ashish Lakda died in an accident occurred on 08.01.2022 due to rash and negligent driving of respondent no.1 who drove the offending vehicle No.C.G.07-AW/6196 wherein deceased was travelling as a passenger. Appellants 1 & 2 are parents and appellant no.3 is sister of deceased. They being legal heirs filed claim application u/s 166 of MVA seeking a total compensation of Rs. 49,80,000/- on various heads.
3. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side thereby just compensation has not been awarded. He prays that the appeal be allowed and the compensation so awarded may suitably be enhanced.
4. I have heard learned counsel for the appellants and have also perused the records.
5. The claimants have pleaded that the deceased was earning Rs.24,100/- per month by doing job in a private Consultant Firm. However,

due to lack of cogent reliable proof, the Tribunal held that the said income pleaded by the claimants has not been proved and accordingly, it took the monthly income of deceased as Rs.7800/-, which seems to be on lower side. In absence of any cogent and reliable evidence regarding income of deceased and looking to nature of job and prevalent market rates, it would be appropriate to take his monthly income to be Rs. 9,280/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable on the date of accident 08.01.2022 and to that extent the impugned award is liable to be modified.

**6.** Since the age of deceased was found to be 32 years and there are 3 claimants, following the case-law laid down by Supreme Court, the Tribunal has rightly added **40%** future prospectus, deducted **1/3rd** towards personal expenses and applied multiplier **16** which cannot be said to be unsustainable. That apart, after applying the principle of 10% automatic enhancement on other conventional heads, the Tribunal has properly granted Rs.1,32,000/- for loss of consortium for 3 claimants, Rs.16,500/- for funeral expenses and Rs.16,500/- for loss of estate, which cannot be said on lower side.

**7.** Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

| Sl.No. | Heads                    | Compensation awarded by the Tribunal | Compensation awarded by this Court                                                     |
|--------|--------------------------|--------------------------------------|----------------------------------------------------------------------------------------|
| 1.     | Total loss of dependency | 10,48,320/-                          | Rs.9280 X 12 = 1,11,360/- plus Future Prospectus-40% i.e., 44,544/- = 1,55,904/- minus |

|    |                                    |                    |                                                                                                                            |
|----|------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------|
|    |                                    |                    | 1/3rd deduction of personal expenses i.e., <b>51,968/-</b> = <b>1,03,936/-</b> x <b>16</b> multiplier = <b>16,62,976/-</b> |
| 2. | Loss of estate                     | <b>16,500/-</b>    | <b>16,500/-</b>                                                                                                            |
| 3. | Funeral expenses                   | <b>16,500/-</b>    | <b>16,500/-</b>                                                                                                            |
| 4. | Loss of consortium for 3 claimants | <b>1,32,000/-</b>  | (44,000 x 3)<br><b>1,32,000/-</b>                                                                                          |
|    | Total<br><b>Rs.</b>                | <b>12,13,320/-</b> | <b>18,27,976/-</b>                                                                                                         |

8. In view of the aforesaid analysis, the amount of compensation of Rs. **12,13,320/-** awarded by the Claims Tribunal is enhanced to Rs. **18,27,976/-**. Hence, after deducting the amount of Rs **12,13,320/-** the appellants held entitled for an additional sum of **Rs. 6,14,656/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is allowed in part and the impugned award is modified to the extent as indicated hereinabove.

**Sd/-**  
**Sanjay Kumar Jaiswal**  
**Judge**

Rao

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