



CGHC010125222024

2026:CGHC:43477

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 793 of 2024

1 - Shahi Kiran Sen W/o Late Dhaneshwar Prasad Sen, Aged About 22 Years, R/o Village Girra, Post Sasaha, Police Station Palari, District Baloda Bazaar Chhattisgarh.

2 - Sarju Sen S/o Late Kejuram Sen, Aged About 64 Years, Address No. 2- Village Kiran, Police Station Tilda Newra, District Raipur Chhattisgarh.

3 - Tejas Sen S/o Dhaneshwar Prasad Sen, Aged About 8 Years, Minor Hence Impleaded Through His Natural Guardian /mohte Shashi Kiran Sen R/o Village Girra, Post Sasaha, Police Station Palari, District Baloda Bazaar Chhattisgarh.

... Appellants

versus

1 - Khoman Kumar Sahu S/o Tukaram Sahu, Address No. 1- Village Sursabandha, Police Station Rajim, District Gariyaband Chhattisgarh. Address No. -2 Village Jejra, Police Station Rajim, District Grariyaband Chhattisgarh. (Driver Of Truck No. CG04/MF/8641).

2 - Trishu Tiwari S/o Rajdhar Tiwari R/o Village Panduka, Police Station Panduka District Gariyaband Chhattisgarh.

3 - Oriental Assurance Company Limited Through Divisional Manager, First Floor, R.K. Plaza, Pachpedi Naka, G.E. Road No. 1, Raipur Tahsil And District Raipur Chhattisgarh. (Insurer Of Truck No. CG 04/mf/8641).

4 - Saryug Sao, R/o House No. 453, Ward No. 18, Shastri Nagar, Camp-1, Supela, Bhilai, Distrcet Durg Chhattisgarh (Registered Owner Of Truck No. CG 04/mf/8641)

... Respondent(s)

For Appellants	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent No.3	:	Mr. T. K. Tiwari, Advocate.
For other Respondents	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(07.10.2026)

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 29.02.2024, passed in Claim Case No. 203/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.9,86,400/- as compensation for the death of Dhaneshwar Prasad Sen, who died in a road accident which took place on 30.09.2020.
2. Learned counsel appearing for the appellant submits that the learned Claims Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal has wrongly assessed the monthly income of the deceased at Rs.6,000/-, whereas the same ought to have been assessed at Rs.8,860/- per month in accordance with the Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. He further submits that, since there are three claimants, the deduction towards the personal and living expenses of the deceased ought to have been made at the rate of one-third (1/3) instead of one-half (1/2). It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
3. Learned counsel for respondent No.3/insurance company has filed the cross appeal/objection and submits that the learned Tribunal has wrongly fastened the liability of payment of

compensation on the insurance company as on the date of accident the driver of the offending vehicle, was not holding a valid and effective permit of the vehicle, which constitutes a clear breach of the policy conditions and the learned Tribunal ought to have exonerated the insurance company from its liability. Therefore, the cross appeal of the insurance company to the extent of its liability may be allowed.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. The learned Claims Tribunal assessed the monthly income of the deceased at Rs.6,000/-. However, in the opinion of this Court, having regard to the Minimum Wages Notification issued by the Office of the Labour Commissioner, Government of Chhattisgarh, which was applicable at the relevant time, the monthly income of the deceased ought to have been assessed at Rs.8,860/-. Further, considering the age of the deceased at the time of the accident, the learned Claims Tribunal added 40% towards future prospects and applied a multiplier of 17. In the opinion of this Court, the said computation, is just and proper and does not warrant any interference.
6. However, having regard to the fact that there are three claimants (03) who are the wife, minor son and father of the deceased, the deduction towards the personal and living expenses of the deceased ought to have been made at the rate of one-third ($1/3$) instead of one-half ($1/2$). So far as the compensation awarded under the conventional heads is concerned, the learned Claims Tribunal has awarded a sum of Rs.1,80,000/-. However, in view of the applicable principles, the compensation under the said heads ought to have been assessed at Rs.1,65,000/-. Accordingly, to the aforesaid extent, the impugned award warrants modification, and the compensation payable to the claimants is liable to be re-assessed.

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 this Court
1	Income	Rs. 8,860 x 12 = 1,06,320/-
2.	Future prospect	(+)40% (i.e. Rs. 42,528) = 1,48,848/-
3.	Deduction	(-) 1/3 (i.e. 49,616) = 99,232/-
4.	Multiplier	(x) 17 = 16,86,944/-
5	Other conventional heads	Rs. 1,65,000/- (16,500+16,500+1,32,000)
	Total	Rs. 18,51,944/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.9,86,400/- awarded by the Claims Tribunal is enhanced to Rs.18,51,944/-. Hence, after deducting the amount of Rs.9,86,400/-, the appellants are held entitled for an additional amount of Rs.**8,65,544/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

Cross Appeal/Objection

9. So far as the question of liability is concerned, it is evident from paragraphs 19 and 20 of the impugned award that Alok Kumar Ogre (NAW-1) was examined on behalf of the Insurance Company. In his cross-examination, he stated that a valid and effective permit, as per Ex.D/1, was in existence in respect of

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

the offending vehicle at the time of the accident. Therefore, no breach of the terms and conditions of the insurance policy has been established. Hence, the finding recorded by the learned Tribunal with regard to the liability to pay compensation is just, proper, and does not warrant any interference.

10. In the result, the appeal preferred by the appellants/claimants is partly **allowed**, whereas the cross-appeal/objection preferred by Respondent No.3/Insurance Company is dismissed. The impugned award is modified to the extent indicated hereinabove.
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

Sourabh