



CGHC010131112025



2026:CGHC:44756

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 797 of 2025**

1 - Smt. Tulsi Bai W/o Shobharam Darro Aged About 53 Years R/o Village- Bendrapani, Police Station Keregaon, District- Dhamtari (C.G.)

2 - Bharat Dhruv S/o Late Shobharam Darro Aged About 37 Years R/o Village- Bendrapani, Police Station Keregaon, District- Dhamtari (C.G.)

3 - Baldev S/o Late Shobharam Darro Aged About 31 Years R/o Village- Bendrapani, Police Station Keregaon, District- Dhamtari (C.G.)

4 - Baliram S/o Late Shobharam Darro Aged About 30 Years R/o Village- Bendrapani, Police Station Keregaon, District- Dhamtari (C.G.)

... Appellants**versus**

1 - Lokeshwar Patel S/o Komal Patel Aged About 24 Years R/o Village- Banspara Kukrel, Police Station Keregaon, Tahsil Nagari, District- Dhamtari (C.G.) (Driver Of Offending Vehicle Tata No. Cg-05/an-7259)

2 - Komal Patel S/o Shivprasad Patel Aged About 43 Years R/o Village Banspara Kukrel, Police Station Keregaon, Tahsil Nagari, District- Dhamtari (C.G.) (Owner Of Offending Vehicle Tata No. Cg-05/an-7259)

3 - Megma H.D.I. General Insurance Company Limited Through-Branch Manager, Office At Office No. 501 And 509-512, Fifth Floor, D.B. City Corporate Park, Rajbandha Maidan, Raipur, District- Raipur (C.G.) (Insurer Of Offending Vehicle Tata No. Cg-05/an-7259)

... Respondents

For Appellants/Claimants : Mr. Anil Gulati, Advocate.
For Respondents No. 1 & 2 : None.
For Respondent No. 3 : Mr. Sangeet Ku. Kushwaha, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment 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 05.12.2024, passed in Claim Case No.146/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.5,77,320/- as compensation for the death of Late Shobharam Darro (60 years old), who died in a road accident which took place on 23.03.2023.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.7,800/- per month, whereas the minimum wages were Rs. 9,960/- per month on the date of the accident i.e. 23.03.2023; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also erred in deducting 1/2nd towards personal expenses from the income of the deceased, as the deceased was married and there are 4 dependent persons; therefore, it should be 1/3rd. He also submits that the Tribunal has awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No. 3/insurance company

supported the impugned award.

4. I have heard learned counsel for the parties and went through the records with utmost circumspection.
5. In the present case, the learned Tribunal assessed the deceased's monthly income at ₹7,800. According to the claimants, the deceased was approximately 60 years old, worked as a laborer, and earned ₹12,000 per month, though no credible evidence was produced to substantiate this claim. Furthermore, a review of the impugned award reveals that the Tribunal deducted 1/2 toward personal and living expenses from the deceased's income. However, considering the number of claimants and dependents, the deduction should properly be 1/3 as per settled legal principles. Accordingly, in view of the facts and circumstances, it is appropriate to assess the deceased's monthly income at ₹9,960, in accordance with the minimum wages notification issued by the office of the Labour Commissioner, Chhattisgarh, for unskilled labor. Additionally, while the Tribunal awarded only ₹1,14,000 under conventional heads, this amount ought to be enhanced to ₹2,28,000. To this extent, the impugned award stands modified.
6. 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. 7,800 x 12 =	Rs. 9,960 x 12 =

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

		93,600/-	1,19,520/-
2.	Future prospect	(+)10% (i.e. Rs. 9,360) = 1,02,960/-	(+)10% (i.e. Rs. 11,952) = 1,31,472/-
3.	Deduction	(-) 1/2 (i.e. Rs. 51,480) = 51,480/-	(-) 1/3 (i.e. Rs. 43,824) = 87,648/-
4.	Multiplier	(x) 9 = 4,63,320/-	(x) 9 = 7,88,832/-
5	Other conventional heads	Rs. 1,14,000/- [18,000+18,000+48,000+30,000]	Rs. 2,28,000/- [18,000+18,000+(48,000x4)]
	Total	Rs. 5,77,320/-	Rs. 10,16,832/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.5,77,320/- awarded by the Claims Tribunal is enhanced to Rs.10,16,832/-. Hence, after deducting the amount of Rs.5,77,320/-, the appellants are held entitled for an additional amount of **Rs.4,39,512/-**. 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.

8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

9. 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