



CGHC010131452024

2026:CGHC:43440

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 800 of 2024

1 - Smt. Bhagwati Banjare W/o Late Shri Lacchin Banjare, Aged About 37 Years R/o Satnamipara, Village Dewda, Police Station Bhanpuri, District Bastar Chhattisgarh.

2 - Kumari Kirti Banjare D/o Late Shri Lacchin Banjare Aged About 17 Years Minor, Hence She is Represented Through Her Mother (Natural Guardian) i.e. Appellant No. 1. R/o Satnamipara, Village Dewda, Police Station Bhanpuri, District Bastar Chhattisgarh.

3 - Kumari Sakshi Banjare D/o Late Shri Lacchin Banjare Aged About 14 Years Minor, Hence She Is Represented Through Her Mother (Natural Guardian) i.e. Appellant No. 1. R/o Satnamipara, Village Dewda, Police Station Bhanpuri, District Bastar Chhattisgarh.

4 - Indrajeet Banjare S/o Late Shri Lacchin Banjare Aged About 10 Years Minor, Hence He Is Represented Through His Mother (Natural Guardian) i.e. Appellant No. 1. R/o Satnamipara, Village Dewda, Police Station Bhanpuri, District Bastar Chhattisgarh.

... Appellant(s)

versus

1 - Ram Pravesh Pal S/o Chattupal Aged About 43 Years Through Bikesh Sharma S/o Abhya Sharma, R/o Maharana Pratap Ward No. 47, Jagdapur, District C.G. (Vehicle Driver)

2 - Bikesh Sharma S/o Abhay Sharma R/o Maharana Pratap Ward No. 47, Jagdapur District Bastar Chhattisgarh (Vehicle Owner)

3 - The Oriental Insurance Company Limited, Through Branch Manager, Moorti Line Jagdalpur District Bastar Chhattisgarh. (Insurance Company)

... Respondent(s)

For Appellants	:	Mr. Shikhar Shukla, Advocate
For Respondent No.3	:	Mr. Deepak Gupta, Advocate

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

1. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter was heard finally.
2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Bastar place Jagdalpur (C.G.) vide impugned award dated 13.02.2024 passed in Claim Case No.81/2023, whereby a total sum of ₹19,44,400/- has been awarded on account of the death of Sujit Banjare, who succumbed to the injuries sustained in the motor vehicle accident that occurred on 11.01.2023.
3. Learned counsel appearing for the appellants/claimants submits that the Claims Tribunal has committed an error in assessing the monthly income of the deceased at ₹9,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. It is further submitted that the compensation awarded under

the conventional heads is also inadequate and deserves to be enhanced in accordance with the principles laid down by the Hon'ble Supreme Court. It is, therefore, prayed that the compensation awarded by the Claims Tribunal be suitably enhanced.

4. Per contra, learned counsel appearing for respondent No.3- Insurance Company opposes the submissions advanced on behalf of the appellants/claimants and submits that, having regard to the facts and circumstances of the case, the compensation awarded by the Claims Tribunal is just and proper and does not call for any interference by this Court.
5. Heard learned counsel for the parties and perused the record with due circumspection.
6. Though it has been claimed by the claimants that, at the time of the accident, the deceased was earning ₹20,000/- per month by working as a salesman in a medical agency at Dhamtari, no documentary evidence has been adduced on record to substantiate the said claim. The accident occurred on 11.01.2023 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹9,960/- per month. Accordingly, the income of the deceased is reassessed at ₹9,960/- per month.
7. The deceased was a non-salaried person aged about 21 years at the time of the accident. He was unmarried and the claimants are his widowed mother, who is a non-earning member, and three siblings, who were minors at the time of the accident.
8. Having regard to the aforesaid facts and circumstances, this Court finds that the addition towards future prospects, the deduction towards personal expenses and the multiplier

applied by the Claims Tribunal are just, proper and in accordance with law. However, in view of the judgment of the Hon’ble Supreme Court in **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680**, the amounts awarded under the conventional heads are liable to be enhanced by 10% at an interval of every three years from the date of the judgment, i.e., 31.10.2017. Accordingly, the amount payable towards loss of estate and funeral expenses is enhanced to ₹18,000/- each. The amount payable towards loss of consortium is also enhanced to ₹48,000/- for each of the four claimants, totalling ₹1,92,000/-.

9. 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	9,000 × 12 = 1,08,000	9,960 × 12 = 1,19,520
2.	Future prospects	(+) 40% (i.e. ₹43200) = 151200	(+) 40% (i.e. 47,808) = 1,67,328
3.	Deduction towards personal expenses	(-) 1/3 (i.e. 50400) = 108000	(-) 1/3 (i.e. 55,776) = 1,11,552
4.	Multiplier	(×) 18 = 1814400	(×) 18 = 20,07,936
5.	Funeral Expenses	15,000	18,000
6.	Loss of Estate	15,000	18,000
7.	Loss of consortium	₹1,00,000	1,92,000 (48,000 x 4)
	Total	₹19,44,400/-	₹22,35,936/-

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

- 10.** In view of the aforesaid analysis, the amount of compensation of ₹19,44,400/- awarded by the Claims Tribunal is enhanced to ₹22,35,936/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹2,91,536/-**. The 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.
- 11.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.
- 12.** The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the concerned Claims Tribunal. Such communication shall be made in Hindi (Devanagari) language, and the assistance of Para-Legal Volunteers may be availed in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai