



CGHC010145082026



2026:CGHC:43720

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 989 of 2026**

1 - Hemsai Rathiya S/o Late Cherika Rathiya Aged About 63 Years R/o Village- Pidiya, Police Station, And Tehsil- Sitapur, District- Surguja Chhattisgarh

2 - Smt. Kamla Rathiya W/o Hemsai Rathiya Aged About 62 Years R/o Village- Pidiya, Police Station, And Tehsil- Sitapur, District- Surguja Chhattisgarh

... Appellants**versus**

1 - Himanshu Tirkey S/o Amrit Tirkey Aged About 22 Years R/o- Ward No.- 5, Tejarpur, Police Outpost- Rairuma Khurd Police Station And Tehsil- Dharamjaigarh District Raigarh Chhattisgarh (**Owner Cum Driver** Of Motorcycle Bearing No. C.G. 15/EE. 0738)

2 - Iffco Tokiyo Insurance Company Limited Through Its Branch Manager, Branch Office- M.M. Silver Plaza, Second Floor, In Front Of Udyog Bhawan, Ring Road, No. 1, Raipur, District- Raipur (C.G.) (**Insurer** Of Motorcycle Bearing No. C.G. 15/e.E. 0738)

... Respondents

For Appellants	: Mr. Aditya Kumar Mishra, Advocate.
For Respondent Nos. 1&2	: None

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(08.10.2026)

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 06.02.2026, passed in Motor Accident Claim Case No.91/2025, whereby the learned Claims Tribunal has awarded a total sum of Rs.14,15,480/- as compensation for the death of Late Arjun Rathia, who died in a road accident which took place on 16.12.2024.
2. Learned counsel for the appellants submits that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. The deceased was doing labour work at the time of accident i.e. 16.12.2024, and at the relevant time, the minimum wages of a unskilled person was Rs.10,428/- per month, but the learned Claims Tribunal, in view of Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour, only assessed the monthly income of deceased at Rs.9,100/-, which considering the date of incident is on lower side. He further submits that the amount awarded under the consortium is on lower side, which needs to be enhanced suitably.
3. None for respondent Nos. 1 and 2.
4. I have heard learned counsel for the appellants and perused the record of the Tribunal, including award impugned.
5. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased at Rs.9,100/- for unskilled labourer on the date of accident. Considering that the deceased was 26 years of age at the time of accident and was unskilled

labour, it would be proper to take his monthly income of Rs.10,428/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour.

6. The learned Claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 16.12.2024, the fact that he was unmarried aged 26 years, and number of claimants (02), has rightly taken future prospect of 40%, deducted 1/2 towards personal expenses and applied multiplier of 17 respectively. However, the amount of Rs.80,000/- (40,000x2) awarded towards consortium to the two claimants, does not appear to be just and reasonable in the facts and circumstances of the case, 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 Vs. 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.9100x12 = Rs.1,09,200/-	Rs.10,428x12 = Rs.1,25,136/-
2	Future prospect	(+)40% (i.e. Rs. 43,680/-) = Rs.1,52,880/-	(+)40% (i.e. Rs.50,054/-) = Rs.1,75,190/-
3	Deduction	(-) 1/2 (i.e. 76,440) = Rs.76,440/-	(-) 1/2 (i.e. 87,595/-) = Rs.87,595/-
4	Multiplier	(x) 17 = Rs.12,99,480/-	(x) 17 = Rs.14,89,115/-

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

5	Towards Loss of consortium to all the 2 claimants	Rs.40,000/- x 2 = Rs.80,000 /-	Rs. 48,000x2 = Rs. 96,000/-
6	Towards loss of estate	Rs.18,000/-	Rs.18,000/-
7	Towards funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	Rs.14,15,480/-	Rs.16,21,115/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.14,15,480/- awarded by the Claims Tribunal is enhanced to Rs.16,21,115/-. Hence, after deducting the amount of Rs.14,15,480/-, the appellants are held entitled for an additional amount of **Rs.2,05,635/-**. 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 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