



CGHC010158192024



2026:CGHC:44002

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 960 of 2024

1 - Smt. Fulkunwar Wife Of Late Shiv Kumar Singh, Aged About 47 Years, Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh. (Claimants).

2 - Ambika Singh Son Of Late Shivkumar Singh, Aged About 22 Years, Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

3 - Premkunwar Daughter Of Son Of Late Shivkumar Singh, Aged About 20 Years, Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

4 - Angara Singh Son Of Late Shivkumar Singh, Aged About 19 Years, Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

5 - Ram Singh Son Of Late Shiv Kumar Singh, Aged About 13 Years, Minor, Through Their Natural Guardian Mother Smt. Fulkunwar (Appellant No. 1), Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

6 - Laxman Singh Son Of Late Shiv Kumar Singh, Aged About 13 Years, Minor, Through Their Natural Guardian Mother Smt. Fulkunwar (Appellant No. 1), Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

7 - Amir Singh Son Of Late Shiv Kumar Singh, Aged About 10 Years, Minor, Through Their Natural Guardian Mother Smt. Fulkunwar (Appellant No. 1), Resident Of Bakaramudipara, Village Mangoura, Police Station And Tahsil Khadgawan, District - Koriya, Chhattisgarh.

... Appellants

versus

1 - Man Singh Son Of Ratiram, Aged About 28 Years, Resident Of Village Kouteya, Police Station Khadgawan, District - Koriya, Chhattisgarh. (Drive Of Offending Vehice No. Cg-15/dk-3211).

2 - Kamlesh Shyam Son Of Shyam, Aged About 32 Years, Resident Of Village Sirmina, Tahsil Pondi Uproda, District - Korba, Chhattisgarh (Owner Of Offending Vehicle No. CG-15/dk-3211).

3 - Branch Manager The Oriental Insurance Company Limited, Rama Trade Centre, First Floor, Near Bus Stand, Behind Rajeev Plaza, Bilaspur, District - Bilaspur, Chhattisgarh. (Insurer Of Offending Vehicle No. CG-15/dk-3211).

... Respondent(s)

For Appellants/Claimants	:	Mr. Praveen Dhurandhar, Advocate.
For Respondents No. 3	:	Mr. R.N. Pusty, Adv. With Mr. Akash Shrivastava, Advocate.
For other Respondents	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(12.10.2026)

1. Heard on I.A. No. 01/2024, application for condonation of delay in filing the appeal.
2. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2024 is allowed. Delay of 123 days in filing the appeal is condoned.
3. Also heard on admission.
4. Admit.
5. Records of the Tribunal have been received.
6. With the consent of the parties, the matter was heard finally.
7. 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 14.09.2023, passed in Claim Case No. 16/2023, whereby the learned Claims Tribunal has awarded a total sum of

Rs.10,38,640/- as compensation for the death of Late Shiv Kumar Singh, who died in a road accident which took place on 23.09.2019.

8. 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.6,000/- per month, whereas the minimum wages were Rs. 8,400/- per month on the date of the accident i.e. 23.09.2019; therefore, the income of the deceased should be considered on the higher side. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.
9. Learned counsel for respondent No. 3/insurance company supported the impugned award.
10. I have heard learned counsel for the parties and went through the records with utmost circumspection.
11. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 6,000/-, but as per the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh, for unskilled labour, it would be proper to take his monthly income as Rs. 8,400/-. To that extent, the impugned award needs to be modified.
12. 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.	Heads	Compensation	Compensation
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1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

No.		awarded by the Tribunal	awarded by this Court
1	Income	Rs. 6,000 x 12 = 72,000/-	Rs. 8400 x 12 = 1,00,800/-
2.	Future prospect	(+)15% (i.e. Rs. 10,800) = 82,800/-	(+)15% (i.e. Rs. 15,120) = 1,15,920/-
3.	Deduction	(-) 1/5 (i.e. Rs. 16,560) = 66,240/-	(-) 1/5 (i.e. Rs. 23,184) = 92,736/-
4.	Multiplier	(x) 11 = 7,28,640/-	(x) 11 = 10,20,096/-
5	Other conventional heads	Rs. 3,10,000/- (15,000+15,000+2,80,000)	Rs. 3,10,000/- (15,000+15,000+2,80,000)
	Total	Rs. 10,38,640/-	Rs. 13,30,096/-

13. In view of the aforesaid analysis, the amount of compensation of Rs.10,38,640 /- awarded by the Claims Tribunal is enhanced to Rs.13,30,096/-. Hence, after deducting the amount of Rs.10,38,640/-, the appellants are held entitled for an additional amount of **Rs.2,91,456/-**. 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.

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

15. 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