

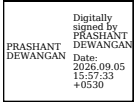


CGHC010173422023



2026:CGHC:38884

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 836 of 2023

1 - Smt. Paras Gabel W/o Late Harish Gabel Aged About 53 Years
R/o Village Botalda Tahsil - Kharsiya, District Raigarh Chhattisgarh.

2 - Manjit Gabel S/o Late Harish Gabel, Aged About 21 Years
Occupation - Studying R/o Botalda, Tahsil Kharsiya, District :
Raigarh, Chhattisgarh

... Appellants

versus

1 - Jaipal Kumar Jaiswal S/o Late Laxman Jaiswal Aged About 52
Years Occupation Vehicle Driver R/o Dolaicha Police Station Lapunga
District Khunti Ranchi State Jharkhand.

2 - Geeta Devi W/o Rajeshwar Prasad Aged About 48 Years
Occupation Transport Buisness And Owner Of Vehicle R/o House
No274 Anand Nagar I.T.K.I Road Rachhi State Jharkhand Pin No.
834005.

3 - Branch Manager, Oriental Insurance Company Limited Local
Branch Office Raigarh, District : Raigarh, Chhattisgarh

... Respondents

For Appellants : Mr. Vivek Kumar Tripathi, Advocate

For Respondents No.1 and 2: None

For Respondent No.3 : Mr. Pravin Kumar Tulsyan,

Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(02/09/2026)

1. Heard on I.A. No.01/2023, application for condonation of delay in filing the appeal.
2. For the reasons stated in the application, the same is **allowed** and the delay of 236 days is hereby condoned.
3. Also heard on admission.
4. Admit.
5. Notice issued to respondents No. 1 and 2 is still awaited.
6. Learned counsel for the appellants orally submits that the present appeal has been preferred by the claimants seeking enhancement of compensation and that the liability has been fastened upon respondent No. 3–Insurance Company. He, therefore, prays that issuance of notice to respondents No. 1 and 2 be dispensed with, to which learned counsel appearing for respondent No. 3–Insurance Company has no objection.
7. In view of the submissions made by learned counsel for the parties and considering that the liability has been fastened upon respondent No. 3–Insurance Company, issuance of notice to respondents No. 1 and 2 is dispensed with.
8. With the consent of learned counsel for the parties, the matter is heard finally.
9. 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 28/06/2022, passed in Claim Case No. 21/2021, whereby the

learned Claims Tribunal has awarded a total sum of Rs.8,59,540/- as compensation for the death of Harish Gabel, who died in a road accident which took place on 03/01/2021.

- 10.** Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding lesser compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal wrongly assessed the income of the deceased at Rs. 7,800/- per month, whereas it ought to have been taken at Rs. 8,960/- per month in accordance with the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. He further submits that the compensation awarded towards the conventional head is also on the lower side. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
- 11.** Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.
- 12.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 13.** The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 7,800/-. However, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs. 8960/- (being the minimum wages prescribed at the relevant time). Further, the learned Claims Tribunal, considering that the deceased was 52 years of age at the time of the accident and having regard to the number of claimants, added 10% towards

future prospects to the income of the deceased, deducted one-third (1/3) of the income towards the personal and living expenses of the deceased and applied multiplier of 11, which is found to be just and proper. However, under the conventional heads, the learned Tribunal awarded only Rs.1,04,500/-, whereas the claimants are entitled to Rs. 1,21,000/-. To that extent, the impugned award warrants modification by re-assessing the monthly income of the deceased and by enhancing the compensation under the conventional heads.

14. 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 = 93,600/-	Rs. 8,960 x 12 = 1,07,520/-
2.	Future prospect	(+)10% (i.e. Rs. 9,360) = 1,02,960/-	(+)10% (i.e. Rs. 10,752) = 1,18,272/-
3.	Deduction	(-) 1/3 (i.e. 34,320) = 68,640/-	(-) 1/3 (i.e. 39,424) = 78,848/-
4.	Multiplier	(x) 11 = 7,55,040/-	(x) 11 = 8,67,328/-
5	Other conventional heads	Rs. 1,04,500/- (16,500+ 88,000)	Rs. 1,21,000/- (16,500+16,500+88,000)
	Total	Rs. 8,59,540/-	Rs. 9,88,328/-

15. In view of the aforesaid analysis, the amount of compensation of

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

Rs.8,59,540/- awarded by the Claims Tribunal is enhanced to Rs.9,88,328/-. Hence, after deducting the amount of Rs.8,59,540/-, the appellants are held entitled for an additional amount of Rs.**1,28,788**/-. The additional amount of compensation shall carry interest @ 6% per annum from the date of the enhancement by this Court till its realization. Rest of the conditions of the impugned award shall remain intact.

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

17. 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