



CGHC010178182024

2026:CGHC:43509

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1238 of 2024

1 - Fekni Bai Kaushik W/o Late Narendra Kumar Kaushik, Aged About 40 Years R/o Village Chakrakund Panchayat Chorbhatti Kala Post-Ganiyari, Thana Sakri, District Bilaspur (C.G.) ---- (Claimant)

... Appellant(s)

versus

1 - Lalit Kumar Kaushik S/o Jawahar Lal Kaushik, Occupation-Driver, R/o Village Chakrakund Panchayat Chorbhatti Kala Post-Ganiyari, Thana Sakri, District Bilaspur (C.G.) --- (Driver Of Offending Vehicle Auto C.G.10/A.S./1839)

2 - Lave Kumar Kaushik S/o Jawahar Lal Kaushik, R/o Village Chakrakund Panchayat Chorbhatti Kala Post-Ganiyari, Thana Sakri, District Bilaspur (C.G.) --- (Owner Of Offending Vehicle Auto C.G.10/A.S./1839)

3 - Tata A.I.G. General Insurance Company Limited, 4th Floor Gwalin Chamber Office T-8 Near- I.C.I.C.I. Bank Byapar Vihar Tahsil And District Bilaspur (CG) --- (Insurer Of Offending Vehicle Auto C.G.10/A.S./1839)

... Respondent(s)

For Appellant(s) : Mr. A. L. Singroul, Advocate

For Respondent No.3 : Ms. Harneet Kaur Khanuja, Advocate

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

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 29.11.2023 passed by the 4th Motor Accident Claims Tribunal, Bilaspur (C.G.), in Motor Accident Claim Case No.658/2021, whereby the Claims Tribunal has awarded a total sum of ₹16,94,300/- as compensation on account of the death of Deep Kumar Koushik, who sustained injuries in a road accident which took place on 03.07.2020 and succumbed to the injuries during treatment on 23.07.2020.
2. Learned counsel appearing for the appellant/claimant submits that the Claims Tribunal has committed a manifest error in assessing the monthly income of the deceased at ₹8,060/-, which is even below the minimum wages payable to an unskilled labourer at the relevant time. Learned counsel further submits that the accident occurred on 03.07.2020 and the deceased, Deep Kumar Koushik, succumbed to his injuries after about 20 days, i.e., on 23.07.2020, during the course of treatment in the hospital. Therefore, the claimant, being the mother of the deceased, is also entitled to compensation towards pain and suffering endured by the deceased prior to his death. In support of his submission, learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in **Devendra Kumar Tripathi & Ors. v. The Oriental Insurance Company Ltd. & Anr.** reported in **2025 SCC OnLine SC 2800**. Hence, he prays that the appeal may be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced

in accordance with law.

3. Per contra, learned counsel appearing for respondent No.3/Insurance Company opposes the submission made by learned counsel for the appellant 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 enhancement.
4. Heard learned counsel for the parties, considered their submissions made hereinabove and perused the record with utmost circumspection.
5. Though it has been claimed by the claimant that the deceased was earning ₹10,000/- per month by doing shopkeeping and agricultural work, no documentary evidence has been brought on record to substantiate the said income. The accident occurred on 03.07.2020 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹8,860/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹8,860/-.
6. It is not in dispute that the deceased, Deep Kumar Koushik, succumbed to the injuries after about 20 days of the accident, i.e., on 23.07.2020, during the course of treatment in the hospital. Therefore, in view of the judgment of the Hon'ble Supreme Court in **Devendra Kumar Tripathi** (supra), the claimant, being the mother of the deceased, would also be entitled to compensation towards the pain and suffering endured by the deceased prior to his death. Accordingly, a sum of ₹25,000/- is awarded under the said head.
7. On the date of the accident, the deceased was an unmarried,

non-salaried person aged about 20 years. There is only one claimant, who is the mother of the deceased.

8. Having regard to the aforesaid facts and circumstances and the evidence available on record, this Court finds that the addition towards future prospects, deduction towards personal expenses, multiplier applied, the amounts awarded under the conventional heads and the amount awarded towards medical expenses by the Claims Tribunal are just, proper and in accordance with law.
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	$8,060 \times 12 = 96,720$	$8,860 \times 12 = 1,06,320$
2.	Future Prospects	(+) 40% (i.e. 38,688) = 1,35,408	(+) 40% (i.e. 42,528) = 1,48,848
3.	Deduction towards personal expenses	(-) 1/2 = 67,704	(-) 1/2 (i.e. 74,424) = 74,424
4.	Multiplier	$\times 18 = 12,18,672$	$\times 18 = 13,39,632$
5.	Funeral Expenses	16,500	16,500
6.	Loss of Estate	16,500	16,500
7.	Loss of Consortium	44,000	44,000
8.	Medical Expenses	3,98,628	3,98,628
9.	Pain and Suffering	—	25,000
	Total	₹16,94,300/-	₹18,40,260/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

10.In view of the aforesaid analysis, the compensation of ₹16,94,300/- awarded by the Claims Tribunal is hereby enhanced to ₹18,40,260/-. Consequently, after adjusting the amount already awarded by the Claims Tribunal, the appellant/claimant shall be entitled to an additional amount of **₹1,45,960/-**. The aforesaid 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 Claims 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 stands modified to the extent as indicated herein-above.

12.The Registry is directed to communicate the claimant in writing “the enhanced/additional 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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai