



CGHC010178192024



2026:CGHC:44826

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1139 of 2024**

- 1** - Hemlata Shrivastava W/o Late Prakash, Aged About 24 Years R/o Village Lakhasar, Post- Kathakoni, Thana Sakri, District- Bilaspur (C.G.) --- (Claimant)
- 2** - Nidhi Shrivastava D/o Late Prakash, Aged About 6 Years Minor Through Legal Guardian Mother Smt. Hemlata Shrivastava W/o Late Prakash Shrivastava Appellant No.1 R/o Village Lakhasar, Post- Kathakoni, Thana Sakri, District- Bilaspur (C.G.) --- (Claimant)
- 3** - Priyal Shrivastava D/o Late Prakash, Aged About 3 Years Minor Through Legal Guardian Mother Smt. Hemlata Shrivastava W/o Late Prakash Shrivastava Appellant No.1 R/o Village Lakhasar, Post- Kathakoni, Thana Sakri, District- Bilaspur (C.G.) --- (Claimant)
- 4** - Shaila Bai W/o Late Durga Shrivastava, Aged About 59 Years R/o Village Chotiguda Post Raykera Tahsil Gharghoda, District Raigarh (C.G.) --- (Claimant)

... Appellants**versus**

- 1** - Sanjay Kumar Netam S/o Tijau Ram R/o Yadunandan Nagar, L.82, Post Tifra Thana- Sirgitti, District- Bilaspur (C.G.) ----- (Driver Of Offending Vehicle Pickup C.G. 10/a.C./4215)
- 2** - Magendra Kumar Saluja S/o Paramjeet Singh R/o In Front Of D.P.Vipra Collage, District Bilaspur (C.G.) --- (Owner Of Offending Vehicle Pickup C.G.10/a.C./4215)
- 3** - The New India Insurance Company Limited, Through Branch Manager, Rama Trade Center, In Front Of Rajiv Plaza, City Kotwali, District Bilaspur (C.G.), --- (Insurer Of Offending Vehicle Pickup C.G.10/a.C./4215)

... Respondents

For Appellants/Claimants : Mr. A.L. Singroul, Advocate.
For respondents No. 1 & 2 : None.
For Respondent No. 3 : Mr. Raj Awasthi, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(16.10.2026)

1. Heard on I.A. No. 01/2024, application under Section 5 of the Limitation Act, for condonation of delay.
2. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2024 is allowed. Delay of 110 days in filing the appeal is condoned.
3. Also heard on admission.
4. 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 15.12.2023, passed in Claim Case No. 1157/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.20,63,720/- as compensation for the death of Prakash Shrivastava (32-years-old) who died in a road accident which took place on 01.06.2021.
5. Learned counsel for the appellants submits that the deceased, Prakash Shrivastava, worked in a salon shop and earned Rs. 15,000/- per month; therefore, the income assessed by the Claims Tribunal at Rs. 9,200/- per month is lower and needs to be enhanced. Hence, the appeal be allowed, and the award passed by the Claims Tribunal be suitably enhanced.
6. 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.

7. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
8. In the case at hand, the claimant Hemlata Shrivastava (AW-1), wife of the deceased, stated that the deceased worked in a salon and earned Rs. 15,000/- per month. However, the claimants did not examine any witness to substantiate this claim. As the income and nature of work of the deceased were not proved by substantial evidence, the Claims Tribunal assessed the monthly income of the deceased at Rs. 9,200/-, in accordance with the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh, for unskilled labor. Furthermore, after calculating the compensation as per law, the Tribunal awarded a total compensation of Rs. 20,63,720/- in favor of the claimants.
9. Upon a careful consideration of the material on record, it is apparent that no credible or reliable evidence was available to establish that the deceased earned Rs. 15,000/- per month. Consequently, the income of the deceased was rightly assessed by the Claims Tribunal on the basis of the notification issued by the office of the Labour Commissioner, Chhattisgarh, for the relevant period. Thus, this Court finds that the Tribunal properly appreciated the evidence and that the compensation awarded is just and reasonable. There is no infirmity in the impugned award warranting interference.
10. Accordingly, the appeal of the appellants is hereby **dismissed** at the admission stage.

Sd/-
(Sanjay Kumar Jaiswal)
Judge