



CGHC010186502025



2026:CGHC:44625

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1188 of 2025**

1 - Cholamandlam M.S. General Insurance Company Limited
Through- Its Legal Manager, Present And Correct Address- Simran
Tower, 2nd Floor, In Front Of LIC Office, Pandri, Raipur, District
Raipur (C.G.)

... Appellant**versus**

1 - Smt. Seema Das W/o Late Nishith Kumar Das Aged About 51
Years R/o House No. 1511, Ward No. 51 Near Benet Campus Village
Jora, P.S. Telibandha, District Raipur (C.G.)

2 - Ku. Ankita Das D/o Late Nishith Kumar Das Aged About 27 Years
R/o House No. 1511, Ward No. 51 Near Benet Campus Village Jora,
P.S. Telibandha, District Raipur (C.G.)

3 - Pramod Kumar Pandey S/o Late Shri Chintamani Pandey Aged
About 38 Years R/o Village Chuhri, P.O. Pasid, P.S. Tumgaon, Tehsil
And District- Mahasamund (C.G.)

4 - Vishwanath Sahu S/o Gopal Sahu Aged About 28 Years R/o
Village Pasoud, P.S. And Tehsil Fingeshwar, District Gariyaband
(C.G.)

... Respondents

For Appellant	:	Mr. Saurabh Gupta, Adv.
For Respondents No. 1 & 2	:	Mr. Shivendu Pandya, Adv.
For Respondents No. 3 & 4	:	None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(15.10.2026)

- 1.** Heard on I.A. No. 03/2025, application for condonation of delay in filing the cross objection.
- 2.** Cross objection filed by the claimants/respondents No. 1 & 2 with a delay of 21 days.
- 3.** Upon due consideration and for the reasons stated in the application, I.A. No. 03/2025 is allowed. Delay of 21 days in filing the cross objection is condoned.
- 4.** Cross-objection is admitted for hearing.
- 5.** With the consent of both the parties, the matter was heard finally.
- 6.** This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant challenging the impugned award dated 06.01.2025, passed in Claim Case No. H-239/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.48,98,072/- as compensation for the death of Late Arpit Das (25 years old), who died in a road accident which took place on 21.09.2023.
- 7.** Cross-objection/appeal has also been filed by the claimants/respondents No. 1 & 2 for enhancement of the compensation.
- 8.** Learned counsel for the appellant/insurance company first submits that since the deceased was not a regular employee of the company, the monthly salary to be considered should be the net amount of ₹28,360 (after deductions) rather than the gross salary of ₹31,667. The second contention is that the vehicle was falsely implicated in the accident, as the incident occurred on the intervening night of September 21-22, 2023, while the FIR was filed on October 2, 2023, after a delay of 10 days. Lastly, counsel contends that being a salaried person, statutory income tax should have been deducted from the deceased's income, but

the claims tribunal failed to do so. Therefore, the appeal is liable to be allowed, and the impugned award should be suitably modified.

9. On the other hand, learned counsel for the claimants/respondents No. 1 & 2 opposes the same.
10. I have heard learned counsel for the parties and went through the records with utmost circumspection.
11. So far as the first contention of learned counsel for the appellant/insurance company is concerned, Rupesh Jha (AW-3), a witness for the claimant, testified that he has been employed with Unison Pharmaceuticals Private Limited (headquartered in Ahmedabad, Gujarat) since November 3, 2020, initially as an Area Sales Manager, and currently serving as a Regional Manager for the Chhattisgarh-Vidarbha region. He further stated that the deceased, Arpit Das, was employed by the company as a Sales Executive in the Chhattisgarh branch, effective from August 16, 2023; an appointment letter (Exhibit A-20) was issued by the company in this regard. At the time of his appointment, the deceased's gross monthly salary was ₹31,667, and his net monthly salary, after deductions, was ₹28,360 (as per the salary slip, Exhibit A-21). The Tribunal's assessment of the deceased's monthly salary at ₹31,667 (based on Exhibit A-21) is appropriate; therefore, the argument raised by the company is rejected.
12. Regarding the second contention raised by the appellant/insurance company, it is evident that the FIR was registered following a *marg* inquiry (an inquest/preliminary police inquiry). Given that the date of the deceased's death and the date of the *marg* inquiry are the same, September 22, 2023, the subsequent registration of the FIR after completing the inquiry cannot be deemed an undue delay. Furthermore, the charge sheet has been filed specifically against the offending vehicle, and no evidence has been presented to rebut it. Neither the driver, the owner, nor the insurance company of the

offending vehicle has produced any material or evidence to counter the case submitted by the claimants. Consequently, this argument by the insurance company is also rejected.

- 13.**Addressing the last contention raised regarding the statutory tax deduction, it is pertinent to note that the claimants have themselves filed a cross-appeal seeking enhancement of the compensation amount, which is examined herein below:

Cross Appeal/objection

- 14.**The contention of the learned counsel for claimants/respondents No. 1 and 2 is that since the deceased was a salaried employee, the addition for future prospects ought to be assessed at 50% rather than 40%. Furthermore, he contends that the compensation awarded under other heads is insufficient and ought to be increased. Consequently, the compensation is liable to be enhanced suitably.
- 15.**On the other hand, learned counsel for insurance company opposes the same and submits that the compensation is on the higher side and needs to be reduced suitably.
- 16.**Regarding the addition for future prospects, since the deceased had been with the company for only one month, was still on probation, and was not a permanent employee, the Tribunal's assessment of 40% for future prospects is appropriate and warrants no interference. Consequently, this argument raised by counsel for the claimants is rejected.
- 17.**Thus, taking monthly income of the deceased as Rs. 31,667/- (as per Ex.A-21), i.e. Rs. 3,80,004/- per annum. The deceased was salaried person, but he was not in permanent job so considering the age of the deceased i.e. 25 years as per **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680**, the future prospects would be 40%. After adding 40% future prospects i.e. Rs. 1,52,002/- the annual income of the deceased comes to Rs. 5,32,006/- (3,80,004+1,52,002).
- 18.**From the annual income of the deceased, there will be statutory

deduction towards income tax. The income tax slab for the financial year 2023-2024 was as follows:

Income Tax Slabs in the FY 2023-2024	Income Tax Rates	Taxable Income	Total Tax
Upto 2.5 lakh	nill	Rs. 2,50,000/-	nill
2,50,001 to 5 lakh	5%	Rs. 2,50,000/-	Rs. 12,500/-
5,00,001 to 10 lakh	20%	Rs. 32,006/-	Rs. 6,401/-
	Total	Rs. 5,32,006/-	Rs. 18,901/-
Education Cess	4% of total tax	Rs. 18,901/-	Rs. 756/-
Total Tax			Rs. 19,657/-

19. In view of the above, after deduction of income tax, the annual income comes to Rs.5,12,349/- (5,32,006-19,657).
20. Accordingly, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **Pranay Sethi** (supra), **Sarla Verma** (supra) and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**¹, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by this Court
1	Income	Rs. 31,667 x 12 = 3,80,004/-
2.	Future prospect	(+)40% (i.e. Rs. 1,52,002) = 5,32,006/-
3.	Income Tax deduction	Rs. 5,32,006-19,657 = 5,12,349/-
4.	Deduction towards personal expenses	(-) 1/2 (i.e. 2,56,174) = 2,56,174/-
5.	Multiplier	(x) 18 = 46,11,132/-
6.	Other conventional heads	Rs. 1,32,000/- [18,000+18,000+(48000x2)]
	Total	Rs. 47,43,132/-

21. Thus, the claimants are entitled to total compensation of

1 (2018) 18 SCC 130

Rs.47,43,132/- instead of Rs.48,98,072/- as awarded by the Claims Tribunal. Accordingly, the impugned award stands modified to the above extent and rest of the conditions shall remain intact.

22. In the result, the appeal of the appellant/insurance company is **partly allowed**. So far as the cross-appeal is concerned, it is **dismissed**, and the impugned award is modified to the extent indicated herein-above.

23. 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

H.L. Sahu