



CGHC010256312023



2026:CGHC:40648

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1328 of 2023

1 - Smt. Geeta Patel W/o Maheshwar Prasad Patel Aged About 44 Years Occupation Husewife, R/o Village Sardamal, P.S. Kotra Road, Raigarh, Tahsil And District Raigarh Chhattisgarh.

2 - Maheshwar Prasad Patel, S/o Yuvraj Singh Patel, Aged About 50 Years R/o Village Sardamal, P.S. Kotra Road, Raigarh, Tahsil And District Raigarh Chhattisgarh.

... Appellants

versus

1 - Shiv Shankar Yadav S/o Chhahura Ram Yadav Aged About 30 Years Telikot, Teh.-Kharsia, District Raigarh Chhattisgarh.

2 - Shambhu Prasad Yadav, S/o Chhahura Ram Yadav Aged About 28 Years Telikot, Teh. - Kharsia, District Raigarh Chhattisgarh.

3 - The Branch Manager, The New India Insurance Co. Ltd. Office - Near Kewdabadi Bus Stand Raigarh, Teh. And District Raigarh Chhattisgarh.

... Respondents

For Appellants	:	Mr. Abhishek Saraf, Advocate.
For Respondents No.1 & 2	:	Mr. Sumit Singh Rathore, Advocate.
For Respondent No. 3	:	Mr. Anil Gulati, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(17.09.2026)

1. 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 31.01.2023, passed in Claim Case No. 01/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.13,74,580/- as compensation for the death of Suraj Patel (22 years), who died in a road accident which took place on 13.06.2019.

- 2.** Learned counsel appearing on behalf of the appellants submits that the learned Claims Tribunal erred in both law and fact by awarding inadequate compensation to the appellants. It is contended that the Tribunal wrongly assessed the monthly income of the deceased at Rs. 8,400/- without properly appreciating the evidence brought on record. It is further submitted that at the time of the accident, the deceased was approximately 22 years of age, a student of M.Sc. Previous, and working as a tuition teacher earning Rs. 12,000/- per month. The Claims Tribunal failed to consider the statements of the appellants' witnesses, which clearly established the case beyond reasonable doubt. Therefore, it is urged that the compensation awarded by the Tribunal be suitably enhanced by reassessing the income of the deceased in accordance with the evidence available on record.
- 3.** Learned counsel for respondents opposes the submission made by learned counsel for the appellants and submits 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.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 5.** Upon perusal of the record, it is evident that Maheshwar Patel (AW-1), the father of the deceased, deposed that his son was 22 years old and had appeared in the M.Sc. Previous examination at the time of the accident. He further stated that, alongside his

studies, the deceased used to tutor students of Class 10 and 12, earning Rs. 15,000/- per month. In support of this, he produced a copy of the B.Sc. (Hons.) Physics mark sheet as Ex.P-15(C) and the M.Sc. First Year mark sheet as Ex.P-14(C). A review of these documents demonstrates that the deceased, Suraj Patel, was a well-educated individual.

6. The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 8,400/- on the basis of minimum wages prescribed for an unskilled labourer. However, in the opinion of this Court, in the absence of rigid documentary evidence establishing actual earnings, and having regard to the statement of Maheshwar Patel (AW-1) along with the supporting documents proved by him, the income of the deceased deserves to be reassessed. Keeping in view the nature of work performed by the deceased and the principles laid down by the Hon'ble Supreme Court in **Sebati Nath & Ors. v. Shriram General Insurance Company Ltd.**¹ and **Meena Pawaia & Ors. v. Ashraf Ali & Ors.**², this Court is of the considered view that the monthly income of the deceased ought to be taken as Rs. 12,000/-. Accordingly, to this extent, the impugned award warrants modification, and the compensation is liable to be reassessed on the basis of the revised monthly income of the deceased.
7. 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 Sethi**³, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**⁴ and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**⁵, this Court is computing the compensation as below:-

1 (2025) SCC Online SC 3468

2 (2021) 17 SCC 148

3 (2017) 16 SCC 680

4 (2009) 6 SCC 121

5 (2018) 18 SCC 130

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 8,400 x 12 = 1,00,800/-	Rs. 12,000 x 12 = 1,44,000/-
2.	Future prospect	(+)40% (i.e. Rs. 40,320) = 1,41,120/-	(+)40% (i.e. Rs. 57,600) = 2,01,600/-
3.	Deduction	(-) 1/2 (i.e. 70,560) = 70,650/-	(-) 1/2 (i.e. 1,00,800) = 1,00,800/-
4.	Multiplier	(x) 18 = 12,70,080/-	(x) 18 = 18,14,400/-
5	Other conventional heads	Rs. 1,04,500/- [16,500+(44,000x2)]	Rs. 1,10,000/- [15,000+15,000+(40,000x2)]
	Total	Rs. 13,74,580/-	Rs. 19,24,400/-

- 8.** In view of the aforesaid analysis, the amount of compensation of Rs.13,74,580/- awarded by the Claims Tribunal is enhanced to Rs.19,24,400/-. Hence, after deducting the amount of Rs.13,74,580/-, the appellants are held entitled for an additional amount of **Rs.5,49,820/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
- 9.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 10.** 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