



CGHC010259812024



2026:CGHC:44190

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1539 of 2024**

1 - Smt. Suman W/o Late Girwar Dhruv Aged About 33 Years R/o Village Khrgitola, Post Bhatgaon, Dhamtari, Tahsil And District Dhamtari (C.G.) (Claimant)

2 - Pushpendra S/o Late Girwar Dhruv Aged About 13 Years Minor, Through Natural Guardian Mother Smt. Suman W/o Late Girwar Dhruv (Appellant No. 1) R/o Village Khrgitola, Post Bhatgaon, Dhamtari, Tahsil And District Dhamtari (C.G.) (Claimant)

3 - Chetan Kumar Dhruv S/o Late Girwar Dhruv Aged About 11 Years Minor, Through Natural Guardian Mother Smt. Suman W/o Late Girwar Dhruv (Appellant No. 1) R/o Village Khrgitola, Post Bhatgaon, Dhamtari, Tahsil And District Dhamtari (C.G.) (Claimant)

4 - Smt. Shantibai W/o Late Narayan Dhruv Aged About 67 Years R/o Village Khrgitola, Post Bhatgaon, Dhamtari, Tahsil And District Dhamtari (C.G.) (Claimant)

... Appellants**versus**

1 - Kaushal Kumar Dhruv S/o Netram Dhruv Aged About 48 Years R/o Village Siyadehi, Police Station Keregaon, Tahsil Nagari, District Dhamtari (C.G.) Persistently R/o Village Mohlai (Around), Up Tahsil Kukrel, P.S. Keregaon, Tahsil Nagar, District Dhamtari (C.G.), (Driver Of Motorcycle Bearing Registration No. Cg-05/ak-7280)

2 - Vedprakash Netam S/o Chandrakumar Netam Aged About 23 Years R/o Village Mohlai (Aroud), Up Tehsil Kukrel, Police Station Keregaon, Tahsil Nagari, District Dhamtari (C.G.) (Owner Of Motorcycle Bearing Registration No. Cg-05/ak-7280)

3 - Magma H.D.I. General Insurance Company Limited, Fifth Floor, Office No. 501, 509, 512, D.B. City Corporate Park Plot No. 1, Block No. 9, Rajbandha Maidan, Raipur, Tahsil And District Raipur (C.G.) (Insurer Of Motorcycle Bearing Registration No. Cg-05/ak-7280)

... Respondents

For Appellants/Claimants : Ms. Gunja Taram, Adv. on behalf of Mr. Anil Gulati, Advocate.

For Respondents No. 1 & 2 : None.

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

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(13.10.2026)

1. Heard on admission.
2. Admit.
3. With the consent of the parties, the matter was heard finally.
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 14.05.2024, passed in Claim Case No.130/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.16,08,200/- as compensation for the death of Late Girwar Dhruv (36 years old), who died in a road accident which took place on 28.07.2022.
5. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.7,800/- per month, whereas the minimum wages were Rs. 9,960/- per month on the date of the accident i.e. 28.07.2022; therefore, the income of the deceased should be

considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

- 6. Learned counsel for respondent No. 3/insurance company supported the impugned award.
- 7. I have heard learned counsel for the parties and went through the records with utmost circumspection.
- 8. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 3,800/-. According to the claimants, the deceased was aged about 36 years and was working as a mason; he used to earn Rs. 35,000/- per month from his work, but no documents have been produced in support of this fact, hence, it would proper to take his monthly income of Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Furthermore, in other conventional heads the Tribunal has granted only Rs.1,34,000/- which ought to be Rs.2,09,000/-, to that extent the impugned award needs to be modified.
- 9. 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	Compensation awarded by this
---------	-------	-----------------------------	------------------------------

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

		Tribunal	Court
1	Income	Rs. 7,800 x 12 = 93,600/-	Rs. 9,960 x 12 = 1,19,520/-
2.	Future prospect	(+)40% (i.e. Rs. 37,440) = 1,31,040/-	(+)40% (i.e. Rs. 47,808) = 1,67,328/-
3.	Deduction	(-) 1/4 (i.e. Rs. 32,760) = 98,280/-	(-) 1/4 (i.e. Rs. 41,832) = 1,25,496/-
4.	Multiplier	(x) 15 = 14,74,200/-	(x) 15 = 18,82,440/-
5	Other conventional heads	Rs. 1,34,000/- [18,000+18,000+48,000+50,000]	Rs. 2,09,000/- [16,500+16,500+(44,000x4)]
	Total	Rs. 16,08,200/-	Rs. 20,91,440/-

10.In view of the aforesaid analysis, the amount of compensation of Rs.16,08,200/- awarded by the Claims Tribunal is enhanced to Rs.20,91,440/-. Hence, after deducting the amount of Rs.16,08,200/-, the appellants are held entitled for an additional amount of **Rs.4,83,240/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

12.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