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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 952 of 2022

1 - Laxman S/o Tulsi Ram Kawde Aged About 52 Years R/o Village Chaargaon, Post Office Hatkarra, Police Station Korrar, Up - Teh.- Korrar, District North Bastar, Kanker, Chhattisgarh

2 - Smt. Ramula Bai W/o Laxman Kawde Aged About 47 Years R/o Village Chaargaon, Post Office Hatkarra, Police Station Korrar, Up - Teh.- Korrar, District North Bastar, Kanker, Chhattisgarh

... Appellants

versus

1 - Mathura Prasad Rahi S/o Late Bhagela Ram Rahi Aged About 42 Years R/o Ward No. 17, Konde, Powerhouse Dallirajhara, Teh. Daundi, District Balod Chhattisgarh (Driver)

2 - Vicky Kumar Telani S/o Ashok Kumar Telani Aged About 27 Years R/o Ward No. 27, Bajrang Chowk, Dallirajhara, Tehsil Daundi, District Balod Chhattisgarh (Owner)

3 - The Oriental Insurance Company Limited Through Branch Manager, Branch Office Near Railway Station Rajnandgaon, Tehsil And District Rajnandgaon Chhattisgarh (Insurance Company)

--- Respondent(s)

For Appellants	:	Ms. Gurprit Kour Bhatia, Advocate on behalf of Mr. HAPS, Bhatia, Advocate
For Respondents No.1 & 2	:	None
For Respondents No.3	:	Ms. Swati Agrawal, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(13.07.2026)

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 28.03.2022, passed in Claim Case No.18/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.9,84,200/- as compensation for the death of Tamesh Kawde, who died in a road accident which took place on 09.08.2020. The Claims Tribunal, while assessing the compensation, has attributed 50% contributory negligence on the part of the deceased and accordingly awarded only 50% of the total assessed compensation i.e. Rs.4,92,100/-.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side and has also awarded lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. 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.
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. In the case at hand, true it is that the learned Tribunal has taken the monthly income of the deceased to be Rs.6000/-, which ought to be Rs.8860/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh and further. Furthermore, in other conventional heads the Tribunal has granted only 44000/- towards loss of consortium which ought to be 88,000/- as the number of claimants are two, to that extent the impugned award needs to be modified.
6. 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 Tribunal	Compensation awarded by this Court
1	Income	Rs. 6000 x 12 =	Rs. 8860 x 12 =

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

		72,000/-	1,06,320/-
2.	Future prospect	(+)40% (i.e. Rs. 28,800) = 1,00,800/-	(+)40% (i.e. Rs. 42,528) = 1,48,848/-
3.	Deduction	(-) 1/2 (i.e. 50,400) = 50,400/-	(-) 1/2 (i.e. 74,424) = 74,424/-
4.	Multiplier	(x) 18 = 9,07,200/-	(x) 18 = 13,39,632/-
5	Other conventional heads	Rs. 77,000/-	Rs. 1,21,000/- (16500+16500+88000)
	Total	Rs. 9,84,200/-	Rs. 14,60,632/-

7. In view of the aforesaid analysis, the total compensation comes to Rs.14,60,632/-. However, as the Claims Tribunal has attributed 50% contributory negligence on the part of the deceased, the appellants would be entitled to 50% of the said amount i.e. Rs.7,30,316/-. The Claims Tribunal has already awarded a sum of Rs.9,84,200/- and out of which 50% i.e. Rs.4,92,100/- has been made payable to the appellants. Hence, after deducting the amount of Rs.4,92,100/- already awarded, the appellants are held entitled for an additional amount of Rs.2,38,216/-. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

9. 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

-Shubham