

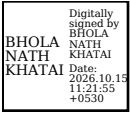


CGHC010266792023



2026:CGHC:44307

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1402 of 2023

1 - Tirath Kunwar W/o Late Somaru Ram Aged About 57 Years
At Present Resident Of Village Sukhari, P.S. Gandhinagar, Tahsil
Ambikapur, District Sarguja, Chhattisgarh, Village Sapkara, Ps
And Tahsil Surajpur, District Surajpur, Chhattisgarh

2 - Ramesh Kumar S/o Late Somaru Ram Aged About 30 Years
Village Sapkara, Ps And Tahsil Surajpur, District Surajpur,
Chhattisgarh

... Appellant(s)

versus

1 - Chetan Ram Rajwade S/o Pancham Ram Rajwade Aged
About 54 Years Resident Of Village Satpata, PS Bishrampur,
Tahsil And District Surajpur Chhattisgarh (Driver Of The
Offending Vehicle Tractor Bearing Registration No. C.G.-29-
A.D./5973)

2 - Ahmad Vahid S/o Sabir Ali Resident Of Shivnandanpur, PS.
Bishrampur, Tahsil And District Surajpur Chhattisgarh (Owner
Of The Offending Vehicle Tractor Bearing Registration No. C.G.-
29-A.D./5973)

3 - Efco Tokiyo General Insurance Company Registered Office-
Efco Sadan C-1, District Central Saket, New Dilli- 110117
Through Branch Manager, Efco Tokiyo General Insurance
Company, 205, Second Floor, M.M. Silver Plaza, Near Mining
Office, Mahavir Nagar, Ring Road No. 01, Raipur, Chhattisgarh

(Insurer Of The Offending Vehicle Tractor Bearing Registration
No. C.G.-29-A.D./5973)

... Respondent(s)

For Appellant(s) : Ms. Dhaneshwari Patel, Advocate

For Respondent : Ms. Vartika Shrivastava, Adv. on behalf of
No.3 Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(13.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 05.07.2023 passed by the Motor Accident Claims Tribunal, Ambikapur, Sarguja (C.G.), in Motor Accident Claim Case No.36/2022, whereby the Claims Tribunal has awarded a total sum of ₹7,24,400/- as compensation for the death of Somaru Ram, who died in a road accident that took place on 25.10.2021.
2. Learned counsel appearing for the appellants/claimants submits that the Claims Tribunal has committed an error in assessing the monthly income of the deceased at ₹7,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. It is further submitted that the compensation awarded under the conventional heads is also inadequate and deserves to be enhanced in accordance with the principles laid down by the Hon'ble Supreme Court. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the Claims Tribunal be suitably enhanced.
3. Per contra, learned counsel appearing for the respondent

No.3 Insurance Company opposes the submissions made on behalf of the appellants and submits that, in the facts and circumstances of the case, the award passed by the Claims Tribunal is just and proper and does not call for any enhancement.

4. Heard learned counsel for the parties and perused the record with due circumspection.
5. Learned Tribunal, upon consideration of the evidence available on record, assessed the income of the deceased at ₹7,000/- per month, as no credible evidence regarding his income was produced. The accident occurred on 25.10.2021, and at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹9,280/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹9,280/-.
6. The deceased was aged about 60 years at the time of the accident. There are two claimants in the present case, namely, the wife and son of the deceased.
7. Considering the date of accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, deduction towards personal expenses and the multiplier applied by the Claims Tribunal are just, proper and in accordance with law. However, the amounts awarded by the Claims Tribunal under the conventional heads are required to be suitably enhanced in view of the law laid down by the Hon'ble Supreme Court.
8. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs.**

¹ (2017) 16 SCC 680

Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³,
the compensation is recomputed as under:-

S1. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	7,000 × 12 = 84,000	9,280 × 12 = 1,11,360
2.	Future prospects	(+) 10% (i.e. 8,400) = 92,400	(+) 10% (i.e. 11,136) = 1,22,496
3.	Deduction towards personal expenses	(-) 1/3 (i.e. 30,800) = 61,600	(-) 1/3 (i.e. 40,832) = 81,664
4.	Multiplier	(×) 9 = 5,54,400	(×) 9 = 7,34,976
5.	Funeral Expenses	15,000	16,500
6.	Loss of Estate	15,000	16,500
7.	Loss of Consortium	40,000	88,000 (44,000 x 2)
8.	Loss of agricultural income	1,00,000	Nil
	Total	₹7,24,400/-	₹8,55,976/-

9. In view of the aforesaid analysis, the amount of compensation of ₹7,24,400/- awarded by the Claims Tribunal is enhanced to ₹8,55,976/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹1,31,576/-**. The additional amount of compensation shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its realization. The remaining terms and conditions of the impugned award shall remain unaltered.
10. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.
11. The Registry is directed to communicate to the claimants, in

2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the concerned Claims Tribunal. Such communication shall be made in Hindi (Devanagari) language, and the assistance of Para-Legal Volunteers may be availed in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai