



CGHC010288112024

2026:CGHC:42790

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 1815 of 2024

1 - Hirendra Kumar Jangade S/o Dayal Das Jangade, Aged About 42 Years, Resident Of Village Kolihadih, Post Office Kodvabani, Police Station City Kotwali Mungeli, Tahsil And District - Mungeli (C.G.) (Claimants).

2 - Sugandha Jangade W/o Hirendra Kumar Jangade, Aged About 40 Years, Resident Of Village Kolihadih, Post Office Kodvabani, Police Station City Kotwali Mungeli, Tahsil And District - Mungeli (C.G.) (Claimants).

... Appellants

versus

1 - Vinay Yadav S/o Pitamber Yadav, Aged About 25 Years, Resident Of Village Baraidahara Post Office Phandvani, Tahsil And District Mungeli (C.G.) (Driver).

2 - Laxman Yadav S/o Jageshwar Yadav, Aged About 57 Years, Resident Of Village Baraidahara Post Office Phandvani Tahsil And District - Mungeli (C.G.) (Owner).

3 - United India Insurance Company Limited Vyapara Vihar Road Mandal, Divisional Office Bilaspur, District - Bilaspur (C.G.) (Insurer).

... Respondent(s)

For Appellants/Claimants : Mr. C.K. Sahu, Advocate.
For Respondent No. 3 : Mr. Abhishek Mishra, Advocate.
For respondents No. 1 & 2 : None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(01.10.2026)

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 25.01.2024, passed in Claim Case No. 63/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.7,18,000/- as compensation for the death of Ankit Raj Jangade (15-years-old) who died in a road accident which took place on 24.06.2022.

2. Learned Counsel for the claimants has argued that the deceased was a student aged about 15 years, therefore, his monthly income ought to be Rs.11,390/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for skilled person, in view of the judgment of the Hon'ble Supreme Court in the matter of **Hitesh Nagjibhai Patel versus Bababhai Nagjibhai Rabari & Anr.** reported in **2025 LiveLaw (SC) 871**. Furthermore, in other conventional heads, the Tribunal has granted only Rs.70,000 which ought to be Rs. 1,21,000/-. Therefore, the appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. On the other hand, learned Counsel for respondent No. 3/Insurance Company submits that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly assessed the income of the deceased and also given proper amount towards other conventional heads, therefore, the appeal filed by the Claimants may be rejected.
4. I have heard learned counsel for the parties and perused the record.
5. The Hon'ble Supreme Court in the matter of **Hitesh Nagjibhai Patel versus Bababhai Nagjibhai Rabari & Anr.** reported in **2025 LiveLaw (SC) 871**, observed that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-

earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment. It is further held that in such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises, relevant para 9 is reproduced herein- below:

“9. On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very lease, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in **Kajal v. Jagdish Chand and Ors.(2020) 4 SCC 413, and Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr., 2024 SCC OnLine SC 3692.**”

6. In the case at hand, true it is that the learned Tribunal has taken the monthly income of the deceased to be Rs.6,000/-. In view of the above law laid down by the Hon'ble Supreme Court in the subject matter, it should be Rs.11,390/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for skilled person. Furthermore, the learned Tribunal has not made any addition towards future prospects. Having regard to the age of the deceased, which was 15 years at the time of the accident, and in view of the settled principles governing the assessment of

compensation, this Court is of the considered view that an addition of 40% towards future prospects ought to be made to the income of the deceased. In respect of the conventional heads, the Tribunal has granted only Rs. 70,000/- which ought to be Rs. 1,21,000/-. To that extent the impugned award needs to be modified.

7. Thus, 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 & Ors. Vs. Delhi Transport Corporation & Ors¹** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors²**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 6,000 x 12 = 72,000/-	Rs. 11,390 x 12 = 1,36,680/-
2.	Future prospect	Nil	(+)40% (i.e. Rs. 54,672) = 1,91,352/-
3.	Deduction	(-) 1/2 (i.e. 36,000) = 36000/-	(-) 1/2 (i.e. 95,676) = 95,676/-
4.	Multiplier	(x) 18 = 6,48,000/-	(x) 18 = 17,22,168/-
5	Other conventional heads	Rs. 70,000/-	Rs. 1,21,000/- (16500+16500+88000)
	Total	Rs. 7,18,000/-	Rs. 18,43,168/-

8. In view of the aforesaid analysis, the amount of compensation of Rs.7,18,000/- awarded by the Claims Tribunal is enhanced to Rs.18,43,468/-. Hence, after deducting the amount of Rs.7,18,000/-, the claimants are held entitled for an additional amount of **Rs.11,25,168/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim petition before the claims tribunal till its realization. The remaining conditions of the impugned award

1 (2009) 6 SCC 121
2 (2018) 18 SCC 130

shall remain intact.

9. In the result, the appeal filed by the claimants 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

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