



CGHC010311322024

2026:CGHC:44712

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1768 of 2024

Motiram Sahu S/o Kheduram Sahu Aged About 47 Years R/o Village Bhikhapali, Post Shikaripali, Police Station Tendukona, Tahsil Bagbahra, District- Mahasamund (C.G.).

... Appellant(s)

versus

1 - Omprakash Sahu S/o Milan Sahu, Aged About 24 Years R/o Village Farfoud, Police Station Tahsil Arang, District- Raipur (C.G.). Driver And Owner Of Vehicle Bearing Registration No. C.G. 04- E- 2445)

2 - The Divisional Manager, New India Insurance Company Limited, Through- Divisional Office Second Floor, Investment Building Phase-1, Bhartiya Kivan Bima, Mandal Office Parisar, Jivan Bima Marg Pandri Raipur District- Raipur (C.G.) (Insurer Of Vehicle Toofan Bearing Registration No. C.G. 04- E- 2445)

... Respondent(s)

For Appellant : Mr. S. P. Sahu, Advocate

For Respondent No.2 : Mr. Raghvendra Verma, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(15.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant/claimant seeking

enhancement of the compensation awarded by the First Additional Motor Accident Claims Tribunal, Mahasamund (C.G.), vide impugned award dated 13.06.2024 passed in Claim Case No. H-54/2023, whereby a total compensation of ₹7,31,080/- was awarded on account of the death of Khemin Bai Sahu, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 08.02.2023.

2. Learned counsel appearing for the appellant/claimant submits that the Claims Tribunal has erred in assessing the monthly income of the deceased at ₹9,700/-, which is even lower than the minimum wages prescribed for an unskilled labourer at the relevant time. He further submits that although the Claims Tribunal calculated the total compensation at ₹14,62,160/-, it erroneously deducted 50% of the said amount on the ground that the sole claimant, being the husband of the deceased and aged about 47 years, was a healthy and able-bodied person capable of earning an income. According to learned counsel, such a deduction is legally unsustainable. 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. Accordingly, he prays that the compensation awarded by the Claims Tribunal be suitably enhanced.
3. Per contra, learned counsel appearing for respondent No.2/Insurance Company opposes the submissions advanced on behalf of the appellant and submits that, having regard to the facts and circumstances of the case, the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.
4. Heard learned counsel for the parties and perused the record

with due circumspection.

5. The accident occurred on 08.02.2023, and the minimum wages prescribed for an unskilled labourer at the relevant time were ₹9,960/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹9,960/-.
6. The deceased was a non-salaried aged about 30 years at the time of the accident. There is only one claimant in the present case, who is the husband of the deceased.
7. The Claims Tribunal calculated the total compensation at ₹14,62,160/- after deducting half of the income towards personal expenses. However, in paragraph 35 of the impugned award, it again deducted 50% of the said amount on the ground that the claimant, being the husband of the deceased and aged about 47 years, was healthy and able-bodied and capable of earning an income. Consequently, the Tribunal awarded compensation of ₹7,31,080/- to the claimant. In the considered opinion of this Court, the aforesaid deduction is erroneous and unsustainable in law.
8. Having regard to the aforesaid facts and circumstances, this Court finds that the addition of 40% towards future prospects, deduction of 50% (1/2) towards personal expenses of the deceased, and application of a multiplier of 17 by the Claims Tribunal are just, proper, and in accordance with law. However, the compensation awarded under the conventional heads (Rs.77,000) requires appropriate modification in accordance with the principles laid down by the Hon'ble Supreme Court.
9. 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. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³, the compensation is recomputed as under:-

Sl. No.	Heads	Compensation awarded by this Court
1.	Income	$9,960 \times 12 = 1,19,520$
2.	Future prospects	$(+) 40\% \text{ (i.e. } 47,808) = 1,67,328$
3.	Deduction towards personal expenses	$(-) 1/2 = 83,664$
4.	Multiplier	$(\times) 17 = 14,22,288$
5.	Funeral Expenses	18,000
6.	Loss of Estate	18,000
7.	Loss of Consortium	48,000
	Total	₹15,06,288/-

10. In view of the aforesaid analysis, the compensation of ₹7,31,080/- awarded by the Claims Tribunal is enhanced to ₹15,06,288/-. Consequently, the appellant/claimant is held entitled to an additional compensation of **₹7,75,208/-** over and above the amount already awarded by the Claims Tribunal. The additional/enhanced 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.

11. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.

12. The Registry is directed to communicate to the claimant, in writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

³ (2018) 18 SCC 130

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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai