



CGHC010312932025



2026:CGHC:37714

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1607 of 2025

- 1 - Smt. Rojni Khatoon W/o Late Nejamuddin Ansari Aged About 40 Years R/o- Village Minwakhada (Shikari Ghutrapara) Tehsil- Ramchandrapur, District- Balrampur-Ramanujganj (C.G.)
- 2 - Gulam Yasin S/o Late Nejamuddin Ansari Aged About 21 Years R/o- Village Minwakhada (Shikari Ghutrapara) Tehsil- Ramchandrapur, District- Balrampur-Ramanujganj (C.G.)
- 3 - Kumari Najma Khatoon D/o Late Nejamuddin Ansari Aged About 19 Years R/o- Village Minwakhada (Shikari Ghutrapara) Tehsil- Ramchandrapur, District- Balrampur-Ramanujganj (C.G.)
- 4 - Mehfooz Ansari S/o Late Nejamuddin Ansari Aged About 23 Years Mentally Disabled, Represented Through His Natural Guardian And Wife Johra Khatoon W/o- Mehfooz Aalam, R/o- Minwakhada (Shikari Ghutrapara) Post- Sanawal, P.S- Sanawal, Tehsil- Ramchandrapur, District- Balrampur-Ramanujganj (C.G.)
- 5 - Gulshan Khatoon D/o Late Nejamuddin Ansari Aged About 20 Years W/o- Mansoor Ansari, R/o- Ward No. 09, Durahi Damar, Village- Barwahi, Post- Dolangi, Police Station- Sanawal, District- Balrampur-Ramanujganj (C.G.)
- 6 - Roshanjahan D/o Late Nejamuddin Ansari Aged About 19 Years W/o- Md. Vashil Aehmad, R/o- Ward No. 03, Village- Bardiha, Post- Chitvishram, Police Station- Nagar Utari, District- Gadhwah, Jharkhand
- 7 - Sarjahan Khatoon D/o Nejamuddin Ansari Aged About 18 Years W/o Gulam Hussain, Late Nejamuddin Ansari, R/o Village Minavakhad

(Shikari Ghutarapara), Post- Sanawal, Police Station- Sanawal, Tehsil- Ramchandrapur, District Balrampur- Ramanujganj (Chhattisgarh)
Present Address- Village- Dudhwal, Post- Bandu, Police Station- Ranka, District- Gadhwa (Jharkhand)

... Appellant (s)

versus

1 - Saiyab Alias Shoaib S/o Mohammad Jahid Aged About 25 Years
R/o- Village Revatipur, Police Station And Tehsil- Ramchandrapur,
District Balrampur Ramanujganj (Chhattisgarh) (Driver Of Vehicle No.
CG- 15/ Dc-4153 Truck)

2 - Shree Sai Stone Crusher Through Its Proprietor, Smt. Sangeeta
Singh, W/o- Santosh Singh, Aged About 40 Years, R/o- Village Karra,
Tehsil Dhourpur, District Surguja, Chhattisgarh, Presently Residing At
M.G. Road, Ambikapur, District Surguja (Chhattisgarh), (Owner Of
Vehicle No. CG- 15/dc-4153)

3 - The Oriental Insurance Company Ltd. Through Its Branch Manager
Branch Office Before Dena Bank Ganj Road, Nayapara, Rajim, District
Raipur, Chhattisgarh Through Divisional Manager Division Office
Manendragarh Road, Near Ambedkar Chowk, City Ambikapur, District
Surguja (Chhattisgarh) (Insurer Of Vehicle No. CG-15/dc-4153)

... Respondent(s)

For Appellants/Claimants	:	Mr. Aditya Kumar Mishra, Advocate.
For Respondent Nos. 1&2	:	None
For respondents No.3	:	Mr. Ishwar Chandra, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(21.08.2026)

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

07.04.2025, passed in Motor Accident Claim Case No.219/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,08,940/- as compensation for the death of Late Nejamuddin Ansari, aged about 40 years, who died in a road accident which took place on 06.05.2023 .

2. Learned counsel for the appellants submitted that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. The deceased at the relevant time was working as Mason and was earning Rs.20,000/-, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.9,100/- in view of Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour, which is not justified. He further submits that under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably.
3. None for respondent Nos. 1 and 2.
4. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record has rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. In the present case, the appellants/claimants pleaded before the Claims Tribunal that deceased, Nejamuddin Ansari was Mason and earning Rs.20,000/- per month. However, no documentary evidence was adduced to substantiate this claim. The learned

Tribunal has indeed taken the monthly income of the deceased to be Rs.9,100/- for unskilled labourer on the date of accident. Considering the deceased as unskilled labourer, it would be 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. Therefore, to that extent the impugned award needs to be modified.

7. It is not in dispute that the claim petition was filed by seven claimants, wherein appellant No.1 is the wife of the deceased, appellant Nos.2 and 3 are his unmarried children, and appellant Nos.4 to 7 are his major and married children. Upon consideration of the evidence available on record, the learned Tribunal found only appellant Nos.1 to 3 to be dependents upon the deceased and accordingly treated them as dependents for the purpose of computation of compensation, while appellant Nos.4 to 7 were not treated as dependents being married children of the deceased. The said finding of the learned Claims Tribunal, in the facts and circumstances of the case, and view in the law laid down by Hon'ble Supreme Court governing the issue, is sustainable, which needs no interference by this Court.
8. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 06.05.2023, the fact that he was aged 40 years, and number of dependents (03), has rightly taken future prospect of 25%, deducted 1/3rd towards personal expenses and applied multiplier of 15. However, the amounts awarded under the conventional heads, namely, Rs.48,000/- towards spousal consortium to appellant No.1 and Rs.60,000/- to appellant Nos. 2 to 7 towards parental consortium (Rs.10,000/- each × 6 claimants), do not appear to be just and reasonable in the facts and circumstances of the case, which requires to be enhanced suitably.

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 Tribunal	Compensation awarded by this Court
1	Income	Rs. 9100x12 = 1,09,200/-	Rs. 9960x12 = 1,19,520/-
2.	Future prospect	(+)25% (i.e. Rs.27,300) = 1,36,500/-	(+)25% (i.e. Rs.29,880) = 1,49,400/-
3.	Deduction	(-) 1/3 (i.e.45,500) = 91,000/-	(-) 1/3 (i.e.49,800) = 99,600/-
4.	Multiplier	(x) 15 = 13,65,000/-	(x) 15 = 14,94,000/-
5	Towards Loss of consortium to all 07 claimants	Rs. 1,08,000/-	Rs. 48,000 x 7 = Rs.3,36,000/-
6.	Towards Loss of Estate	Rs.18,000/-	Rs.18,000/-
7.	Towards funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	Rs. 15,09,000/- (The Tribunal, while calculating the compensation on the basis of the monthly income, added 25% towards future prospects and deducted one-third towards personal and living expenses on monthly basis. Thereafter, the decimal figure so arrived at was rounded off to the nearest	Rs.18,66,000/-

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

		whole number and after applying multiplier and amount under other heads, the compensation was calculated at Rs.15,08,940/- which has difference of Rs.60/-)	
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10. In view of the aforesaid analysis, the amount of compensation of **Rs.15,08,940/-** awarded by the Claims Tribunal is enhanced to Rs.18,66,000/-. Hence, after deducting the amount of Rs.15,08,940/-, the appellants are held entitled for an additional amount of **Rs.3,57,060/-**. 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