



CGHC010345302024



2026:CGHC:44626

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### **MAC No. 1944 of 2024**

**1** - Manohar Mandawi S/o Shri Raghuveer Singh Aged About 43 Years R/o Village Belgaon, Chichgarh Road Police Station Chichgarh District - Gondiya (Maharashtra)

**2** - Smt. Bhagan Bai W/o Manohar Mandawi Aged About 40 Years R/o Village Belgaon Chichgarh Road Police Station Chichgarh District - Gondiya (Maharashtra)

**3** - Bhuneshwar Mandawi S/o Manohar Mandwai Aged About 15 Years Appellant No. 3 Minor Through His Natural Gaurdian Father Appellant No.1 Manohar Mandawi R/o Village Belgaon Chichgarh Road Police Station Chicgarh District Gondiya (Maharashtra )

**... Appellant(s)**

**versus**

**1** - Amar Singh S/o Naradram Aged About 38 Years R/o Village Bhandarpur Post Shikarimahaka Tahsil Chhuriya, District - Rajnandgaon (C.G.) (Driver Of Mahindras Bolero Pickup No. C.G. 08 L- 2857 )

**2** - Amar Das S/o Narad Ram Aged About 31 Years R/o Village - Bhandarpur Post Shikarimahaka , Tahsil - Chhuriya District - Rajnandgaon (C.G.) (Owner Of Mahindras Bolero Pickup No. C.G. 08 L, 2857

**3** - Iffco Tokio General Insurance Co. Ltd. Through Branch Manager, Branch Office Anupam Nagar Tahsil And District -

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Rajnandgaon (C.G.) (Insurance Company Of Mahindras Bolero Pickup No. C.G. 08 L. 2857 )

**... Respondent(s)**

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|                          |   |                                                                   |
|--------------------------|---|-------------------------------------------------------------------|
| For Appellants           | : | Mr. Rakesh Kumar Thakur, Advocate                                 |
| For Respondents No.1 & 2 | : | Mr. Ashwell Franklin, Advocate                                    |
| For Respondent No.3      | : | Ms. Nikita Dubey, Adv., on behalf of Mr. Vaibhav Shukla, Advocate |

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**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 appellants/claimants seeking enhancement of the compensation awarded by the First Motor Accident Claims Tribunal, Rajnandgaon (C.G.) vide impugned award dated 05.12.2023 passed in Claim Case No.42/2019, whereby a total sum of ₹9,84,200/- has been awarded on account of the death of Sukendra Mandawi, who succumbed to the injuries sustained in the motor vehicle accident that occurred on 21.12.2023.
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 ₹6,000/-, 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 compensation awarded by the Claims Tribunal be suitably enhanced.

3. Per contra, learned counsel appearing for respondents No.1 & 2 opposes the submissions advanced on behalf of the appellants/claimants 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 call for any interference by this Court.
4. Learned counsel appearing for respondent No. 3–Insurance Company submits that the Claims Tribunal found the insurance policy to be fake and, accordingly, held that the Insurance Company was not liable to pay compensation. Instead, the owner and driver of the offending vehicle were held liable to pay compensation to the claimants.
5. Heard learned counsel for the parties and perused the record with due circumspection.
6. The accident occurred on 21.12.2023 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹10,100/- per month. Accordingly, the income of the deceased is reassessed at ₹10,100/- per month.
7. The deceased was a non-salaried person aged about 18 years at the time of the accident. He was unmarried and the claimants are his parents and one minor sister.
8. Having regard to the aforesaid facts and circumstances, this Court finds that the addition towards future prospects, the deduction towards personal expenses and the multiplier applied by the Claims Tribunal are just, proper and in accordance with law. However, in view of the judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680***, the amounts awarded under the conventional heads are liable to be enhanced by 10% at an interval of every three years from the

date of the judgment, i.e., 31.10.2017. Accordingly, the amount payable towards loss of estate and funeral expenses is enhanced to ₹18,000/- each. The amount payable towards loss of consortium is also enhanced to ₹48,000/- for each of the three claimants, totalling ₹1,44,000/-.

9. Thus, in light of the aforesaid discussion and the judgments of the Hon’ble Supreme Court in **National Insurance Company Ltd. V. Pranay Sethi<sup>1</sup>, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors<sup>2</sup>** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors<sup>3</sup>**, the compensation is recomputed as under:-

| Sl. No. | Heads                               | Compensation awarded by the Tribunal | Compensation awarded by this Court         |
|---------|-------------------------------------|--------------------------------------|--------------------------------------------|
| 1.      | Income                              | 6,000 × 12 = 72,000                  | 10,100 × 12 = 1,21,200                     |
| 2.      | Future prospects                    | (+) 40% (i.e. 28,800) = 1,00,800     | (+) 40% (i.e. 48,480) = 1,69,680           |
| 3.      | Deduction towards personal expenses | (-) 1/2 = 50,400                     | (-) 1/2 = 84,840                           |
| 4.      | Multiplier                          | (×) 18 = 9,07,200                    | (×) 18 = 15,27,120                         |
| 5.      | Loss of consortium                  | ₹77,000                              | 1,80,000<br>(18,000 + 18,000 + 48,000 x 3) |
|         | <b>Total</b>                        | <b>₹9,84,200/-</b>                   | <b>₹17,07,120/-</b>                        |

10. In view of the aforesaid analysis, the amount of compensation of ₹9,84,200/- awarded by the Claims Tribunal is enhanced to ₹17,07,120/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹7,22,920/-**. The additional/enhanced amount of compensation shall carry interest at the rate of 6% per annum from the date of

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

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 claimants, in 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***