



CGHC010353712023



2026:CGHC:43637

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1787 of 2023**

1 - Neetish Kumar S/o Late Vinod Ram Aged About 10 Years Minor *through* Legal Guardian Vijay Ram S/o Ram Chandra Ram Aged About 41 Years, R/o Village Redma P.S. Daltonganj, Redma Dhakshini, Chiyaki Palamu Jharkhand.

2 - Koshila Devi **(died and deleted)** as per Hon'ble Court Order Dated 20.11.2025.

2.1 - Vijay Ram S/o Ram Chandra Ram Aged About 41 Years R/o Village Redma P.S. Daltonganj, Redma Dhakshini, Chiyaki Palamu Jharkhand

... Appellants**versus**

1 - Saiyed Sahabuddin S/o Saiyed Badruddin Aged About 40 Years R/o Village Dandilakala, Ward No. 5, P.S. Rehla, District Palamu (Jharkhand) ... **(Vehicle Driver).**

2 - Abdul Rashid **(died and deleted)** as per Honble Court Order Dated 01-05-2026

3 - Branch Manager, The New India Insurance Company Limited, Office- Near Ambedkar Chowk, Ambika Petrol Pump Premises, Ambikapur, P.S. and Tahsil Ambikapur, District Surguja, Chhattisgarh**(Insurance Company)**

... Respondents

For the appellants	:	Mr. C. Jayant K. Rao, Advocate
For Respondent no.3	:	Mr. Abhishek Mishra, Advocate and Mr. Priyanshu Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

08.10.2026

1. During the pendency of appeal, appellant 2 has died, therefore, her name have been deleted.

Heard on I.A.No.1 filed under section 5 of the Limitation Act.

There is delay of 527 days in filing the appeal.

For the reasons stated in the application which is supported by claimant no.3 and since this appeal has been preferred by the claimants seeking enhancement of the award, the application is allowed and the delay is condoned.

Heard on admission.

Admit.

Heard finally with the consent of learned counsel for the parties.

2. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed seeking enhancement of compensation, challenging the impugned award dated 18.02.2020 passed by the learned Motor Accident Claims Tribunal, Ambikapur, District Sarguja (Chhattisgarh) in Claim Case No. 167/2019 whereby a total compensation of Rs.8,26,000/- has been granted for the death of Vinod Ram.

3. As per the pleadings of the claim application filed under Section 166 of the MV Act, deceased Vinod Ram was working as Khalasi in Truck

No.C.G.10-C/7230. He died in a motor accident took place on 24.01.2018 due to rash and negligent driving of respondent no.1 who all of a sudden drove away the offending truck, due to which, deceased fell down and came under the truck. The claim application was filed by the parents and minor son of deceased u/s 166 of MVA seeking a total compensation of Rs.15,22,000/- on different heads.

4. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side thereby, just compensation has not been awarded. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

5. Learned counsel for respondent no.3/Insurer submits that the award passed by the Tribunal is just and proper, which needs no interference.

6. I have heard learned counsel for the parties, considered their rival submissions and perused the record with utmost circumspection.

7. The claimants pleaded that the deceased was earning Rs.9000/- per month by doing the job of Khalasi in the Vehicle. However, the Tribunal took the monthly income of deceased to be Rs.4500/- which is on lower side. In absence of any admissible documentary evidence regarding income and looking to the prevalent market rates it would be appropriate to take his monthly income to be Rs. 7930/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable on the date of accident 24.1.2018 and to that extent the impugned award needs to be modified.

8. Since the age of deceased was found to be 38 years and there are 3 claimants (two already died), following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted 1/3rd towards personal expenses and applied multiplier 15 which cannot be said to be unsustainable. Under the other heads, the Tribunal has awarded a sum

of Rs. 40,000/- for loss of consortium to appellant no.2 Koshila Devi; Rs.15,000/- for loss of estate and Rs.15000/- for funeral expenses. Since Claimants 2 and 3 have passed away during the pendency of proceedings, their right to claim lapses or shifts, making Appellant No. 1 (the son) the sole legal heir entitled to receive the comprehensive compensation, including the consortium amount.

9. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130*, this Court is computing the compensation as below :

Sl.No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Total loss of dependency	7,56,000/-	Rs.7930/- X 12 = 95,160/- plus Future Prospectus-40% i.e., 38,064/- = 1,33,224/- minus 1/3rd deduction of personal expenses i.e., 44,408/- = 88,816 x 15 multiplier = 13,32,240/-
2.	Loss of estate	15,000/-	15,000/-
3.	Funeral expenses	15,000/-	15,000/-
4.	Loss of consortium or loss of love and affection	40,000/-	40,000/-
	Total Rs.	8,26,000/-	14,02,240/-

10. In view of the aforesaid analysis, the amount of compensation of **Rs. 8,26,000/-** awarded by the Claims Tribunal is enhanced to **Rs.14,02,240/-**. Hence, after deducting the amount of Rs **8,26,000/-**, appellant no.1 is entitled for an additional sum of **Rs.5,76,240/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

11. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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signed by
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