



CGHC010359142023



2026:CGHC:33034

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1776 of 2023**

1 - Smt. Sanbati Markam Wd/o Late Sadat Lal Markam Aged About 36 Years R/o Village Marrapara Korgaon, Tahsil Vishrampuri, District Kondagaon Chhattisgarh. Presently Address, Aturgaon, Tahsil And District North Bastar Kanker C.G. (Proper Names And Address)

2 - Minor Iku. Disha Markam D/o Late Sadat Lal Markam, Aged About 2 Years Minor Through Appellant No. 1 Smt. Sanbati Markam (Mother) R/o Village Marrapara Korgaon, Tahsil Vishrampuri, District Kondagaon Chhattisgarh. Presently Address, Aturgaon, Tahsil And District North Bastar Kanker C.G. (Proper Names And Address)

3 - Minor Ku. Tanuj Markam S/o Late Sadat Lal Markam, Aged About 3 Years Minor Through Appellant No. 1 Smt. Sanbati Markam (Mother) R/o Village Marrapara Korgaon, Tahsil Vishrampuri, District Kondagaon Chhattisgarh. Presently Address, Aturgaon, Tahsil And District North Bastar Kanker C.G. (Proper Names And Address)

4 - Devsingh Markam S/o Chamruram Markam, Aged About 60 Years R/o Village Marrapara Korgaon, Tahsil Vishrampuri, District Kondagaon Chhattisgarh. Presently Address, Aturgaon, Tahsil And District North Bastar Kanker C.G. (Proper Names And Address)

5 - Ganga Markam W/o Devsingh Markam, Aged About 60 Years R/o Village Marrapara Korgaon, Tahsil Vishrampuri, District Kondagaon Chhattisgarh. Presently Address, Aturgaon, Tahsil And District North Bastar Kanker C.G. (Proper Names And Address)

... Appellant(s)

versus

1 - Rajesh Kumar Suryawanshi S/o Shankarlal Suryawanshi, Aged About 32 Years R/o Caurgaon, P.S. Vishrampuri (Keshkal), District Kondagaon Chhattisgarh (Driver)

2 - Premlal Markam S/o Late Lederam Markam, Aged About 51 Years R/o Gaurgaon, P.S. Vishrampuri (Keshkal), District Kondagaon Chhattisgarh. (Owner)

3 - The Magma H.D.I. General Insurance Company Limited, Through Branch Manager, Branch Office 501, 509, 512 5th Floor, D.B. City Corporate Park, Plot No. 1, Block No. 9, Rajbandha Ground, Raipur Chhattisgarh. Pin Code Number, 492001 (Insurance Co.)

... Respondent(s)

For Appellants/Claimants	:	Mr. P.K. Tulsyan, Advocate with Mr. Abhishek Nirala, Advocate.
For Respondent Nos. 1&2	:	None.
For Respondent No.3	:	Ms. Mansi Bandey, Advocate on behalf of Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(30.07.2026)

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 31.07.2023, passed in Claim Case No.85/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.20,47,640/- as compensation for the death of Late Sadatlal Markam, who died in a road accident which took place on

27.08.2021.

2. Learned counsel for the appellants would submit that the learned Claims Tribunal has awarded a lesser amount under other conventional heads, which need to be enhanced suitably.
3. On the other hand, learned counsel appearing for respondent No.3/Insurance Company supporting the impugned award stated that the learned Claims Tribunal after evaluating the material available on record has awarded the compensation, which is just and proper and the same does not warrant interference by this Court.
4. I have heard learned counsel for the parties and perused the record of the Tribunal, including award impugned.
5. In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased, Sadatlal Markam earning Rs.15,000/- per month by doing labour work. However, no documentary evidence was adduced to substantiate this claim. Consequently, evaluating the prevailing wage structure on the date of the accident, the monthly income of the deceased was appropriately assessed at Rs.9,200/- for an unskilled labourer. Given that the deceased was 30 years of age at the time of the accident, an addition of 40% towards future prospects is warranted. Furthermore, as the deceased was married and left behind 05 dependents (his wife, two children and parents), a 1/4th deduction towards personal and living expenses is applicable, alongside a multiplier of 17 based on his age. In view of the facts and circumstances of the case, the compensation assessed by the Tribunal is just and proper, and the same is hereby affirmed.
6. The learned claims Tribunal has awarded an amount of Rs. 77,000/- on other conventional heads in favour of claimants, but looking to the facts and circumstances of the case, it is not found proper and needs to be enhanced suitably in the interest of justice.

7. Thus, the claimants/appellants are entitled to get compensation of Rs. 16,500/- towards loss of estate and Rs. 16,500/- towards funeral expenses and as per '**Magma General Insurance Co. Ltd. Vs. Nanu**, reported in **AIR Online 2018 SC 189**, all the claimants/appellants (5 claimants) are entitled to get a compensation of Rs.44,000/- each i.e. $\text{Rs. } 44,000 \times 5 = \text{Rs. } 2,20,000/-$ towards the head of love and affection.
8. Hence, the claimants/appellants are entitled for compensation in the following manner:-

S.No.	Heads	Awarded by the Tribunal	Awarded by this Court
01	Income of the deceased	Rs. 9,200/-	Rs. 9,200/-
02	Annual income of the deceased (9,200x12)	Rs. 1,10,400/-	Rs. 1,10,400/-
03	After adding 40% future prospect (1,10,400+44,160)	Rs. 1,54,560/-	Rs. 1,54,560/-
03	After 1/4 deduction towards personal expenses (1,54,560-38,640)	Rs. 1,15,920/-	Rs. 1,15,920/-
04	After applying multiplier of 17 (1,15,920x17)	Rs. 19,70,640/-	Rs. 19,70,640/-
06	Towards Loss of consortium to all the 3 claimants	Rs.44,000/-	Rs. 44,000x5 = Rs. 2,20,000/-
07	Towards loss of estate	Rs. 16,500/-	Rs. 16,500/-

08	Towards funeral expenses	Rs. 16,500/-	Rs. 16,500/-
	Total (5+6+7+8)	Rs. 20,47,640/-	Rs. 22,23,640/-

9. Thus, the total compensation is recomputed as Rs. 22,23,640/-. After deducting Rs. 20,47,640/- as awarded by the Tribunal, the enhancement would be **Rs. 1,76,000/-**.
10. In the result, the appeal is **partly allowed**. The claimants/appellants shall be entitled to get **Rs. 1,76,000/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount shall carry interest @ 9% from the date of filing of the claim petition before the Tribunal till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.
11. The Registry is further directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the Tribunal below. 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