



CGHC010402672023



2026:CGHC:44406

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Date: 2026.10.15
17:58:04 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2104 of 2023**

1 - Aakash Singh Rajput S/o Late Shri Trilok Singh Thakur, Aged About 24 Years R/o Near Sai Mandir, Neelam Sweets, Pahadi Chowk, Grudhiyari, Raipur District Raipur Chhattisgarh. (Applicants/claimants)

2 - Aman Singh Rajput, S/o Late Shri Trilok Singh Thakur Aged About 21 Years (During The Filing Of The Claim Application, The Applicant No. 2 was minor and now present, the Applicant No.2 Is Major) R/o Near Sai Mandir Neelam Sweets Pahadi Chowk Gudhiyari, Raipur, District Raipur Chhattisgarh. (Applicants/claimants)

... Appellants**versus**

1 - Suresh Verma S/o Punaram Verma, Aged About 21 Years R/o Village Amlidih, Police Station And Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh (Non-Applicant No. 1) (Driver Of Vehicle Bolero Bearing Registration No. C.G./08/W/6756)

2 - Sunil Kumar Verma, S/o Sukhraj Verma R/o Village Topsingh Nishad, Village Kanimera, Police Station And Block Chhuikhadan, District Rajnandgaon (Now K.C.G.) Chhattisgarh (Non-Applicant No. 2) (Registered Owner Of Vehicle Bolero Bearing Registration No. C.G./08/W/6756)

3 - The Oriental Insurance Company Limited, Through Divisional Manager, Divisional Office No. 3 R.J. Plaza, Pachpedi Naka, Ring Road No. 1, Raipur Chhattisgarh (Non-Applicant No. 3) Insurer Of Vehicle Bolero Bearing Registration No. C.G./08/W/6756)

4 - Tikeshwar Yadu S/o Ganeshram Yadu R/o Old Bus Stand Road, Rajnandgoan, District Rajnandgaon Chhattisgarh. (Non-Applicant No. 2)

... Respondent(s)

For Appellants	:	Ms. Pooja yadav, Advocate appears on behalf of Mr. Shivendu Pandya, Advocate
For Respondents No.1 and 2	:	None
For Respondent No.3	:	Ms. Swati Agrawal, Advocate
For Respondent No.4	:	Notice unserved

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(14/10/2026)

1. Heard on I.A. No.01/2024, an application for condonation of delay.
2. The present appeal has been preferred by the appellant/claimant seeking enhancement of the compensation awarded by the learned Claims Tribunal.
3. Respondent No.3 raised an objection to the said application.
4. For the reasons assigned therein, I am inclined to allow the same and delay of 287 days in preferring of this appeal is, hereby, condoned.
5. I.A. No.01/2024, thus, stands disposed of.
6. Heard on admission.
7. Admit.
8. Record of the Tribunal has been received.

- 9.** Learned counsel for the appellants has prayed for dispensing with the presence of respondent No. 4, the previous owner of the offending vehicle, and has submitted that the liability to pay the compensation rests with respondent No. 3, the Insurance Company.
- 10.** Respondent No.3- Insurance Company has no objection to the said fact.
- 11.** Respondent No.4 is dispensed with.
- 12.** With the consent of learned counsel for the parties, the case is heard finally.
- 13.** 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 21/11/2022, passed in Claim Case No.384/2018, whereby the learned Claims Tribunal has awarded a total sum of Rs.16,45,043/- as compensation for the death of Smt. Rekha Singh Rajput, who died in a road accident which took place on 03/03/2018.
- 14.** Learned counsel for the appellants submits that the learned Claims Tribunal erred in assessing the income of the deceased at Rs. 5,000/- per month, whereas it ought to have been assessed at Rs. 7,930/- per month in accordance with the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. She further submits

that the amounts awarded by the learned Claims Tribunal under other heads of compensation are inadequate. It is contended that the accident occurred on 03.03.2018 and the deceased succumbed to the injuries on 12.04.2018, after remaining hospitalised for a period of 41 days. Therefore, the amounts awarded towards medical expenses, attendant charges, special diet and transportation expenses are inadequate and warrant suitable enhancement. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

- 15.** Learned counsel appearing for Respondent No. 3/Insurance Company submits that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. It is further submitted that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.
- 16.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 17.** Learned Claims Tribunal assessed the monthly income of the deceased to be Rs.5,000/-, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the Office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs.7,930/-. Further, on the basis of the documents available on record, the learned

Tribunal has held that the deceased was married aged about 46 years at the time of the accident. Having regard to the number of claimants (2), the Tribunal has added 25% towards future prospects, deducted 1/3 towards the personal and living expenses of the deceased, and applied the multiplier of '13'. The learned Tribunal has awarded a sum of Rs. 1,21,000/- under the conventional heads. In the opinion of this Court, the aforesaid assessment is just and proper and does not warrant any interference.

18. The learned Claims Tribunal has awarded a sum of Rs. 8,38,543/- towards medical expenses, Rs. 20,500/- towards attendant charges, Rs. 10,000/- towards special diet, and Rs. 5,000/- towards transportation expenses. However, this Court is of the view that, apart from the documented expenses, a victim inevitably incurs miscellaneous out-of-pocket expenses during hospitalisation and treatment, for which formal receipts may not be available. Accordingly, the claimants are entitled to Rs. 9,00,000/- towards medical expenses, Rs. 40,000/- towards attendant charges, Rs. 40,000/- towards special diet, and Rs. 40,000/- towards transportation expenses. To this extent, the impugned award warrants modification.

19. 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

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

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. 5,000/- x 12 = 60,000/-	Rs. 7930 x 12 = 95,160/-
2.	Future prospect	(+)25% (i.e. Rs. 15,000) = 75,000/-	(+)25% (i.e. Rs. 23,790) = 1,18,950/-
3.	Deduction	(-) 1/3 (i.e. 25,000) = 50,000/-	(-) 1/3 (i.e. 39,650) = 79,300/-
4.	Multiplier	(x) 13 = 6,50,000/-	(x) 13 = 10,30,900/-
5.	Other conventional heads	Rs. 1,21,000/- (16,500+16,500+44,000 x 2)	Rs. 1,21,000/- (16,500+16,500+44,000 x 2)
6.	Medical Expenses	Rs.83,85,43/-	Rs.9,00,000/-
7.	Attendant Charges	Rs.20,500/-	Rs.40,000/-
8.	Special Diet	Rs.10,000/-	Rs.40,000/-
10.	Transportation Expenses	Rs.5,000/-	Rs.40,000/-
	Total	Rs. 16,45,043/-	Rs. 21,71,900/-

20. In view of the aforesaid analysis, the amount of compensation of Rs.16,45,043 /- awarded by the Claims Tribunal is enhanced to Rs.21,71,900/-. Hence, after deducting the amount of Rs.16,45,043/-, the appellants are held entitled for an additional amount of Rs.**5,26,857**/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall

3 (2018) 18 SCC 130

remain intact.

21. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

22. 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

Prashant