



CGHC010446252024



2026:CGHC:44624

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2473 of 2024**

1 - Jyoti Rajwade W/o Late Hom Kumar Aged About 26 Years R/o Ward No. 19, Chhindand (Kharwat), Tahsil Baikunthpur, District Koriya (Chhattisgarh)

2 - Rubi Rajwade D/o Late Hom Kumar Aged About 8 Years, Minor Through- Natural Guardian Mother Jyoti Rajwade W/o Late Hom Kumar, R/o Ward No. 19, Chhindand (Kharwat), Tahsil Baikunthpur, District Koriya (Chhattisgarh)

3 - Pari Rajwade D/o Late Hom Kumar Aged About 6 Years Minor Through- Natural Guardian Mother Jyoti Rajwade W/o Late Hom Kumar, R/o Ward No. 19, Chhindand (Kharwat), Tahsil Baikunthpur, District Koriya (Chhattisgarh)

... Appellants**versus**

1 - Umashankar Sonwani S/o Ramdas Aged About 45 Years Resident Of Post Office Line Shivpur/charcha, Police Station Charcha, Tahsil Baikunthpur, District Koriya (C.G.) (Driver Offending Vehicle CG-16/B-4200)

2 - Nandlal Prasad S/o Arjun Marik Aged About 40 Years Resident Of Quarter No. 447, West Nepal Gate, Shivpur/ Charcha, Police Station Charcha, Tahsil Baikunthpur, District Koriya (C.G.) (Owner Of Offending Vehicle CG-16/B-4200)

3 - Branch Manager, Ako General Insurance Company Limited Unit No. 301, Third Floor, E-Wing Lotus Corporate Park, Goregaon East Of Weston Express Highway Jai Coach Fly Over Goregaon, Mumbai-400063 (Insurer Of Offending Vehicle CG-16/B-4200)

... Respondent(s)

For Appellants	: Mr. Aditya Khare, Advocate
For Respondents No.1 and 2	: None
For Respondent No.3	: Mr. Pravin Kumar Tulsyan,
	Advocate appears along with Mr.
	Abhishek Nirala, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(15/10/2026)

1. Heard on I.A. No.01/2024, an application for condonation of delay.
2. The present appeal has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the learned Claims Tribunal.
3. For the reasons assigned therein, I am inclined to allow the same and delay of 291 days in preferring of this appeal is, hereby, condoned.
4. I.A. No.01/2024, thus, stands disposed of.
5. Heard on admission.
6. Admit.
7. With the consent of learned counsel for the parties, the case is heard finally.
8. 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 25/11/2023, passed in Claim Case No.56/2022, whereby the learned Claims Tribunal has awarded a total sum of

Rs.14,40,680/- as compensation for the death of Hom Kumar, who died in a road accident which took place on 09/12/2021.

- 9.** Learned counsel for the appellants submits that the learned Claims Tribunal erred in assessing the income of the deceased at Rs. 6,700/- per month, whereas it ought to have been assessed at Rs. 9,280/- per month in accordance with the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
- 10.** 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.
- 11.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 12.** Learned Claims Tribunal assessed the monthly income of the deceased to be Rs.6,700/-, 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.9,280/-. To this extent, the impugned award warrants modification.

13. Further, on the basis of the documents available on record, the learned Tribunal has held that the deceased was married aged about 27 years at the time of the accident. Having regard to the number of claimants (3), the Tribunal has added 40% towards future prospects, deducted 1/3 towards the personal and living expenses of the deceased, and applied the multiplier of ‘17’. The learned Tribunal has awarded a sum of Rs. 1,65,000/- under the conventional heads. In the opinion of this Court, the aforesaid assessment is just and proper and does not warrant any interference.
14. 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. 6,700/- x 12 =80,400/-	Rs. 9280 x 12 = 1,11,360/-
2.	Future prospect	(+)40% (i.e. Rs. 32,160) = 1,12,560/-	(+)40% (i.e. Rs. 44,544) = 1,55,904/-
3.	Deduction	(-) 1/3 (i.e. 37,520) = 75,040/-	(-) 1/3 (i.e. 51,968) = 1,03,936/-

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

4.	Multiplier	(x) 17 = 12,75,680/-	(x) 17 = 17,66,912/-
5.	Other conventional heads	Rs. 1,65,000/- (16,500+16,500+ 44,000 x 3)	Rs. 1,65,000/- (16,500+16,500+44,000 x 3)
	Total	Rs. 14,40,680/-	Rs. 19,31,912/-

15. In view of the aforesaid analysis, the amount of compensation of Rs. 14,40,680/- awarded by the Claims Tribunal is enhanced to Rs.19,31,912/-. Hence, after deducting the amount of Rs.14,40,680/-, the appellants are held entitled for an additional amount of Rs.**4,91,232**/-. 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 remain intact.

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

17. 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