CGHC010020012024 2026:CGHC:43191

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 145 of 2024

1 - Kunti Patil W/o Rajesh Patil Aged About 39 Years R/o Village Jevra, Post Jiya, P.S. Bemetara, Tahsil And District Bemetara (C.G.) At Present R/o Satnamipara, Village Bodri, Post And Police Station Chakarbhatha, Tahsil Bilha, District Bilaspur (C.G.)

2 - Pradeep Patil S/o Late Rajesh Patil Aged About 16 Years Minor, Represented Through Mother Kunti Patil, R/o Village Jevra, Post Jiya, P.S. Bemetara, Tahsil And District Bemetara (C.G.) At Present R/o Satnamipara, Village Bodri, Post And Police Station Chakarbhatha, Tahsil Bilha, District Bilaspur (C.G.)

3 - Sanjana Patil D/o Late Rajesh Patil Aged About 19 Years R/o Village Jevra, Post Jiya, P.S. Bemetara, Tahsil And District Bemetara (C.G.) At Present R/o Satnamipara, Village Bodri, Post And Police Station Chakarbhatha, Tahsil Bilha, District Bilaspur (C.G.)

4 - Parmeshwari Patil D/o Late Rajesh Patil Aged About 21 Years R/o Village Jevra, Post Jiya, P.S. Bemetara, Tahsil And District Bemetara (C.G.) At Present R/o Satnamipara, Village Bodri, Post And Police Station Chakarbhatha, Tahsil Bilha, District Bilaspur (C.G.)

... Appellants

versus

1 - Neeraj Kumar Patel S/o Radhelal Patel Aged About 27 Years R/o Sai Nagar Colony, Police Station Gwarighat, Rampur, District Jabalpur (M.P.) (Driver Of Truck No. Mp 20 Hb4305)

2 - Balwant Rai Anand S/o Late B.S. Anand R/o Plot No. 5, Gwarhighat Road, Poli Pathar, Tagore Nagar, Jabalpur, Tahsil And District Jabalpur (M.P.) (Owner Of Truck No. Mp 20 Hb4305)

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3 - The Oriental Insurance Co. Ltd. Through The Branch Manager, First Floor, Rama Trade Center, In Front Of Rajeev Plaza, Old Bus Stand Road, Bilaspur, Tahsil And District Bilaspur (C.G.) (Insurer Of Truck No. Mp 20 Hb4305)

... Respondents

For Appellants/Claimants	:	Mr. Prakash Kumar, Adv. on behalf of Mr. Vipin Singh Thakur, Adv.
For Respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Mr. Sanjeev Pandey, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(06.10.2026)

1. With the consent of the parties, the matter was heard finally.

2. 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 11.10.2023, passed in Claim Case No.1310/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.14,69,000/- as compensation for the death of Late Rajesh Patil (43 years old), who died in a road accident which took place on 10.08.2022.

3. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal itself has considered the deceased as skilled agricultural labourer but assessed the income of the deceased as Rs.8,000/- per month, whereas the minimum wages for skilled labour were Rs. 11,390/- per month on the date of the accident i.e. 10.08.2022; therefore, the income of the deceased should be considered on the higher side. Thus, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably

be enhanced.

4. Learned counsel for respondent No. 3/insurance company supported the impugned award.

5. I have heard learned counsel for the parties and went through the records with utmost circumspection.

6. In the case at hand, the claimants pleaded that the deceased was a driver and was earning Rs. 12,000/- per month, but they have failed to produce any documentary proof of the income. Therefore, considering the evidence presented, the learned Tribunal itself has treated the deceased as a skilled agricultural labourer but wrongly took the deceased's monthly income to be Rs. 8,000/- and calculated the compensation. As per the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh, the minimum wage for skilled labour was Rs. 11,390/- at that relevant period; therefore, the deceased's monthly income is taken as Rs. 11,390/-, and to that extent the impugned award needs to be modified.

7. 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 Sethi**[1]**, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[2] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[3], this Court is computing the compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	Rs. 8,000 x 12 = 96,000/-	Rs. 11,390 x 12 = 1,36,680/-
2.	Future prospect	(+)25% (i.e. Rs. 24,000) = 1,20,000/-	(+)25% (i.e. Rs. 34,170) = 1,70,850/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

3.	Deduction	(-) 1/4 (i.e. Rs. 30,000) = 90,000/-	(-) 1/4 (i.e. Rs. 42,712) = 1,28,138/-
4.	Multiplier	(x) 14 = 12,60,000/-	(x) 14 = 17,93,932/-
5	Other conventional heads	Rs. 2,09,000/- [16,500+16,500+1,76,000]	Rs. 2,09,000/- [16,500+16,500+(44,000x4)]
	Total	**Rs. 14,69,000/-**	**Rs. 20,02,932/-**

8. In view of the aforesaid analysis, the amount of compensation of Rs.14,69,000/- awarded by the Claims Tribunal is enhanced to Rs.20,02,932/-. Hence, after deducting the amount of Rs.14,69,000/-, the appellants are held entitled for an additional amount of **Rs.5,33,932/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

10. 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

H.L. Sahu