CGHC010021542024 2026:CGHC:45588

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 160 of 2024

1 - Smt. Pushpa Manikpuri W/o Late Deepak Manikpuri @ Deepak Das Aged About 24 Years R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

BHOLA NATH KHATAI Digitally signed by BHOLA NATH KHATAI Date: 2026.10.29 13:51:51 +0530

2 - Ku. Anjali Manikpuri D/o Late Deepak Manikpuri @ Deepak Das Aged About 5 Years Minor Through Natural Guardian Mother Smt. Pushpa Manikpuri (Appellant No.1), R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

3 - Divyansh Manikpuri S/o Late Deepak Manikpuri @ Deepak Das Aged About 3 Years Minor Through Natural Guardian Mother Smt. Pushpa Manikpuri (Appellant No.1), R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

4 - Abhishek Manikpuri S/o Late Deepak Manikpuri @ Deepak Das Aged About 1 Years Minor Through Natural Guardian Mother Smt. Pushpa Manikpuri (Appellant No.1), R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

5 - Rajmen Manikpuri W/o Dashrath Manikpuri Aged About 55 Years R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

6 - Dashrath Manikpuri S/o Late Manjhi Manikpuri Aged About 60 Years R/o Village Bhilai Khurd, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Claimant)

... Appellant(s)

versus

1 - Mohar Sai S/o Baban Das @ Labar Das Aged About 45 Years Occupation Driver, R/o Village Ara (Mandalipara) Chowki Boriyon, Police Station And Tahsil Rajpur, District Balrampur-Ramanujganj (C.G.) (Driver Of Offending Vehicle Highwa CG-15/AC-5624)

2 - Manoj Kumar Agrawal S/o Mohan Lal Agrawal Aged About 50 Years Occupation Transporting And Business, R/o Ward No.9, Jawahar Market, Maharani Laxmi Bai Ward Navapara, Nagar Ambikapur, District Sarguja (C.G.) (Owner Of Offending Vehicle Highwa CG-15/AC-5624)

3 - Branch Manager, Magma H.D.I. General Insurance Company Limited Branch Office- Office No.501 And 509-512, Fifth Floor, D.B. City, Corporate Park, Plot No.1, Block No.09, Rajbandhu Maidan, Raipur, District Raipur (C.G.) (Insurer Of Offending Vehicle Highwa CG-15/AC-5624)

... Respondent(s)

For Appellant(s)	:	Mr. Dinesh Yadav, Advocate
For Respondents No.1 & 2		Mr. Rohan Sahoo, Advocate
For Respondent No.3	:	None

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(28.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 18.10.2023 passed by the Motor Accident Claims Tribunal, Ambikapur

(Sarguja), in Motor Accident Claim Case No.197/2022, whereby the Claims Tribunal has awarded a total sum of ₹16,57,600/- as compensation for the death of Deepak Manikpuri @ Deepak Das, who died in a road accident that took place on 09.08.2022.

2. Learned counsel appearing for the appellants/claimants submits that the Claims Tribunal has committed an error in assessing the monthly income of the deceased at ₹7,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. He submits that consortium has been awarded only to the wife of the deceased, whereas the other five claimants who are the children and parents of the deceased are also entitled to the same. It is further submitted that the compensation awarded under the conventional heads is also inadequate and deserves to be enhanced in accordance with the principles laid down by the Hon'ble Supreme Court. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the Claims Tribunal be suitably enhanced.

3. Per contra, learned counsel appearing for the respondents No.1 & 2 submits that, in the facts and circumstances of the case, the award passed by the Claims Tribunal is just and proper and does not call for any enhancement.

4. Heard learned counsel for the parties and perused the record with due circumspection.

5. The accident occurred on 09.08.2022 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹9,960/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹9,960/-.

6. The deceased was aged about 25 years and a non-salaried person at the time of accident. There are total six claimants in the present case.

7. Considering the date of accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, deduction towards personal expenses and the multiplier applied by the Claims Tribunal are just, proper and in accordance with law. However, the Tribunal has awarded a sum of Rs.40,000/- towards loss of consortium only to the wife of the deceased, whereas the other five claimants, being the children and parents of the deceased, are also entitled to consortium in accordance with law. Hence, the amounts awarded by the Tribunal under the conventional heads are required to be suitably enhanced.

8. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **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], the compensation is recomputed as under:-

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Income	7,000 × 12 = 84,000	9,960 × 12 = 1,19,520
2.	Future prospects	(+) 40% (i.e. 33,600) = 1,17,600	(+) 40% (i.e. 47,808) = 1,67,328
3.	Deduction towards personal expenses	(-) ¼ (i.e. 29,400) = 88,200	(-) ¼ (i.e. 41,832) = 1,25,496
4.	Multiplier	(×) 18 = 15,87,600	(×) 18 = 22,58,928

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

5.	Funeral Expenses	15,000	16,500
6.	Loss of Estate	15,000	16,500
7.	Loss of Consortium	40,000	2,64,000 (44,000 x 6)
	Total	**₹16,57,600/-**	**₹25,55,928/-**

9. In view of the aforesaid analysis, the amount of compensation of ₹16,57,600/- awarded by the Claims Tribunal is enhanced to ₹25,55,928/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹8,98,328/-**. The additional amount of compensation shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its realization. The remaining terms and conditions of the impugned award shall remain unaltered.

10. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.

11. The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the concerned Claims Tribunal. Such communication shall be made in Hindi (Devanagari) language, and the assistance of Para-Legal Volunteers may be availed in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai