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CGHC010039002024 2026:CGHC:42960

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 232 of 2024

1 - Smt. Moti Markam W/o Late Sukkaram Markam, Aged About 36 Years (W/o Deceased) R/o Balatikra, Pakela, P.S. Chhindgarh, District Sukma Chhattisgarh.

2 - Deepak Markam, S/o Late Sukkaram Markam, Aged About 9 Years Minor Through Legal Natural Guardian Namely Smt. Moti Markam W/o Late Sukkaram Markam,) (S/o Deceased) R/o Balatikra, Pakela, P.S. Chhindgarh, District Sukma Chhattisgarh.

3 - Vikram Markam, S/o Late Sukkaram Markam, Aged About 7 Years Minor Through Legal Natural Guardian Namely Smt. Moti Markam W/o Late Sukkaram Markam,) (S/o Deceased) R/o Balatikra, Pakela, P.S. Chhindgarh, District Sukma Chhattisgarh.

4 - Smt. Kosi Madkami @ Markam W/o Late Lakhma, Aged About 60 Years Minor Through Legal Natural Guardian Namely Smt. Moti Markam W/o Late Sukkaram Markam,) (Mother Of Deceased) R/o Balatikra, Pakela, P.S. Chhindgarh, District Sukma Chhattisgarh.

5 - Kumari Hidame Markam, W/o Late Lakhma Aged About 60 Years Minor Through Legal Natural Guardian Namely Smt. Moti Markam W/o Late Sukkaram Markam,) (Mother Of Deceased) R/o Balatikra, Pakela, P.S. Chhindgarh, District Sukma Chhattisgarh.

... Appellants

versus

1 - Devaram Podiyami, S/o Aayataram Podiyami, Aged About 24 Years R/o Kakdiama Budadi, P.S. Sukma District Sukma Chhattisgarh (Driver Of Offending Vehicle Motorcycle Registration No. C.G. 18 J. 7735)

2 - Shyamlal Muchaki, S/o Late Muchaki, Aged About 36 Years District Kokarpal, Budaki, P.S. Kotwali, Sukma District Sukam Chhattisgarh. (Owner Of Offending Vehicle Motorcycle No. C.G. 18 J. 7735)

3 - Branch Manager, United Indian Insurance Company Ltd. Anupama Chowk, Chitrakot Road, Jagdalpur District Bastar Chhattisgarh. Policy 2701032118p106029724/1 Valuation From 08.08.2018 To 07-08-2021) (Insurer Of Offending Vehicle Motorcyle Registration No. C.G. 18 J. 7735)

--- **Respondent(s)**

For Appellants	:	Ms. Sangeeta Soni, Advocate
For Respondents No.1 & 2	:	None
For Respondent No.3	:	Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate

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Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(05.10.2026)

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

22.11.2023, passed in Claim Case No.98/2021 by learned Additional Motor Accident Claims Tribunal, Dantewada, District South Bastar Dantewada (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.18,60,336/- as compensation for the death of Sukkaram who was aged about 35 years and died in a road accident which took place on 22.09.2020.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for respondent No.3/Insurance Company would submit that the accident pertains to the year 2020 and as per **National Insurance Company Ltd. V. Pranay Sethi**[1]**,** the amount under the other conventional heads ought to have been granted with a 10% increase, whereas the Claims Tribunal has assessed the same with a 20% increase and awarded Rs. 3,06,000/- under the other conventional heads, which is on the higher side. Hence, it is prayed that the compensation may suitably be reduced accordingly.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In the case at hand, it is true that the learned Tribunal has taken the monthly income of the deceased to be Rs.7710/-, which ought to be Rs.8860/- as per the Chhattisgarh

1 (2017) 16 SCC 680

Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh.

6. The judgment of the Hon'ble Supreme Court in **Pranay Sethi** (supra) was delivered in the year 2017. In the present case, the accident occurred in the year 2020. The reasonable figures under the conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts are to be enhanced @ 10% in every three years.

7. Accordingly, under the conventional heads, the claimants are entitled to Rs.16,500/- towards loss of estate, Rs.2,20,000/- (Rs.44,000 x 5) towards loss of consortium and Rs.16,500/- towards funeral expenses, i.e. a total of Rs.2,53,000/- under the conventional heads, instead of Rs.3,06,000/- granted by the Tribunal, to the above extent the impugned award needs to be modified.

8. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **Pranay Sethi** (Supra)**, 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. 7710 x 12 = 92,520/-	Rs. 8860 x 12 = 1,06,320/-
2.	Future prospect	(+)40% (i.e. Rs. 37,008) = 1,29,528/-	(+)40% (i.e. Rs. 42,528) = 1,48,848/-

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

3.	Deduction	(-) 1/4 (i.e. 32382) = 97,146/-	(-) 1/4 (i.e. 37212) = 1,11,636/-
4.	Multiplier	(x) 16 = 15,54,336/-	(x) 16 = 17,86,176/-
5	Other conventional heads	Rs. 3,06,000/-	Rs. 2,53,000/- (16500+220000+16500)
	Total	**Rs. 18,60,336/-**	**Rs. 20,39,176/-**

9. In view of the aforesaid analysis, the amount of compensation of Rs.18,60,336/- awarded by the Claims Tribunal is enhanced to Rs.20,39,176/-. Hence, after deducting the amount of Rs.18,60,336/-, the appellants are held entitled for an additional amount of Rs.1,78,840/-. 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.

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

11. 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

-Shubham