BHOLA NATH KHATAI
Digitally signed by BHOLA NATH KHATAI
Date: 2026.11.05 17:16:49 +0530

CGHC010041772024 2026:CGHC:47003

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 272 of 2024

1 - Smt Tijbati Patel W/o Late Tejram Patel, Aged About 40 Years R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

2 - Emendra Patel S/o Late Tejram Patel Aged About 21 Years R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

3 - Ganpat Patel S/o Late Tejram Patel Aged About 15 Years Minor, Through Mother Smt. Tijabati Patel Aged About 40 Years, W/o Late Tejram Patel, R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

4 - Laxman Patel S/o Late Feruram Patel, Aged About 65 Years R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

5 - Janki Patel W/o Laxman Patel Aged About 60 Years Minor, Through Mother Smt. Tijabati Patel Aged About 40 Years, W/o Late Tejram Patel, R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

... Appellant(s)

versus

1 - Shiv Kumar S/o Pusuram, Aged About 34 Years R/o Village Bori, Tahsil Dhamdha, District Durg

2 - Tahal Singh Thakur, S/o Kripal Ram Thakur, R/o Bori, Durg, Tahsil And District Drug Chhattisgarh.

3 - Ifco Tokiyo General Insurance Company Limited, Through Its Branch Manager, Anupam Nagar, Rajnandgaon Tahsil And District Rajnandgaon Chhattisgarh.

4 - Dileshwari Patel D/o Late Tejram Patel, Aged About 21 Years R/o Village Khursul Post Borai Tahsil And District Durg Chhattisgarh.

... Respondent(s)

For Appellants	:	Ms. Bhavika Kotecha, Advocate
For Respondent No.3	:	Ms. Shrishti Attal, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(05.11.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 25.09.2023 passed by the Third Additional Motor Accident Claims Tribunal, Rajnandgaon (C.G.), in Claim Case No.131/2022, whereby the Claims Tribunal has awarded a total sum of ₹14,81,250/- as compensation on account of the death of Tejram Patel, who died in a motor vehicle accident that occurred on 19.03.2022.

2. Learned counsel appearing for the appellants/claimants submits that the Claims Tribunal has committed a manifest error in assessing the monthly income of the deceased at ₹9,000/-, which is even lower than the minimum wages payable to an unskilled labourer at the relevant time. It is further submitted that, as per the Aadhaar Card, the date of birth of the deceased was 01.01.1977 and, on the date of the accident, i.e. 19.03.2022, he was aged about 45 years, 2

months and 18 days. Thus, for the purpose of determining the appropriate multiplier, his age ought to have been taken as 45 years. However, the Claims Tribunal has erroneously taken his age as 46 years and applied the multiplier of 13. Learned counsel further submits that the amount awarded towards loss of consortium 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 compensation awarded by the Claims Tribunal be suitably enhanced.

3. Per contra, learned counsel appearing for respondent No.3/Insurance Company opposes the submissions advanced on behalf of the claimants and submits that, having regard to the facts and circumstances of the case, the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.

4. I have heard learned counsel for the parties, considered their rival submissions and perused the record with due circumspection.

5. The accident in the present case occurred on 19.03.2022. On the said date, the minimum wages payable even to an unskilled labourer were ₹9,280/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹9,280/-.

6. So far as the age of the deceased is concerned, it is evident from the finding recorded by the Claims Tribunal in paragraph 14 of the impugned award that, as per the Aadhaar Card, the date of birth of the deceased was 01.01.1977 and, on the date of the accident, i.e. 19.03.2022, he was aged 45 years, 2 months and 18 days. Despite

recording the aforesaid finding, the Claims Tribunal has taken his age as 46 years and applied the multiplier of 13, which is not legally sustainable. Admittedly, the deceased had not completed 46 years of age on the date of the accident.

7. In ***Shashikala & Others v. Gangalakshmamma & Another*****, (2015) 9 SCC 150,** the Hon'ble Supreme Court, while considering the age of the deceased for the purpose of determining the appropriate multiplier, has held that the completed years of age are to be taken into consideration. The relevant observation made by the Hon'ble Supreme Court in paragraph 16 reads as under:

> "16. Insofar as appropriate multiplier, the date of birth of the deceased as per driving licence was 16-6-1961. On the date of accident i.e. 14-12-2006, the deceased was aged 45 years 5 months and 28 days and the Tribunal has taken the age as 46 years. Since the deceased has completed only 45 years, the High Court has rightly taken the age of the deceased as 45 years and adopted multiplier of 14 which is the appropriate multiplier and the same is maintained. Total loss of dependency is calculated at Rs 16,82,310 (Rs 1,20,165 × 14)."

8. In view of the aforesaid settled legal position, since the deceased had completed 45 years of age but had not completed 46 years on the date of the accident, his age is required to be taken as 45 years instead of 46 years. Consequently, the appropriate multiplier would be 14 instead of 13, as applied by the Claims Tribunal.

9. The deceased was a non-salaried person. There were six claimants before the Claims Tribunal, out of whom five have preferred the present appeal and one has been arrayed as respondent No.4.

10. Considering the date of the accident, the age of the deceased

and the number of claimants, this Court finds that the addition towards future prospects, the deduction towards personal expenses and the amounts awarded by the Claims Tribunal towareds loss of estate and funeral expenses are just and proper and do not warrant any interference. However, the amount awarded towards loss of consortium requires reconsideration and enhancement in accordance with the law laid down by the Hon'ble Supreme Court.

11. Thus, in view of the aforesaid discussion and the principles laid down by 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 payable to the claimants is re-computed as under:

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	9,000x12=1,08,000	9,280 x12 =1,11,360
2.	Future prospects	(+)25% (i.e. 27,000) = 1,35,000	(+)25% (i.e.27,840) = 1,39,200
3.	Deduction	(-) ¼ (i.e. 33,750) =1,01,250	(-)1/4 (i.e. 34,800) = 1,04,400
4.	Multiplier	(x) 13 = 13,16,250	(x) 14 = 14,61,600
5.	Loss of estate	16,500	16,500
	Funeral expenses	16,500	16,500
	Loss of consortium	1,32,000	2,64,000 (44,000 x 6)
	Total	**Rs. 14,81,250/-**	**Rs. 17,58,600/-**

12. In view of the aforesaid analysis, the compensation of ₹14,81,250/- awarded by the Claims Tribunal is enhanced

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

to ₹17,58,600/-. Thus, after deducting the amount already awarded by the Tribunal, the claimants shall be entitled to an additional amount of **₹2,77,350/-**. The additional/enhanced 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 actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

13. Consequently, the appeal is **partly allowed**. The impugned award is modified to the extent indicated hereinabove.

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

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai