CGHC010055612024 2026:CGHC:45856

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 361 of 2024

1 - Jabina Bee W/o Late Sheikh Shakir Khan Aged About 26 Years R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

2 - Sahil S/o Late Sheikh Shakir Aged About 11 Years (Wrongly Typed As Sheikhar Instead of Sheikh) Minor Through Natural Guardian Mother Jabina Bee, R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

3 - Shohail Shakir S/o Late Sheikh Shakir Aged About 9 Years Minor through Natural Guardian Mother Jabina Bee, R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

4 - Sheikh Rihana D/o Late Sheikh Shakir Aged About 5 Years Minor through Natural Guardian Mother Jabina Bee, R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

5 - Sheikh Shoaib S/o Late Sheikh Shakir Aged About 3 Years Minor through Natural Guardian Mother Jabina Bee, R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

6 - Ibrahim Ramaju Khatik S/o Ramaju Khatik Aged About 57 Years R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

7 - Mehroom Nisha W/o Ibrahim Khatik Aged About 54 Years R/o Village Bhatapara, Panchsheel Nagar, P.S. and Tahsil Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh.

... Appellants

versus

1 - Rakesh Kumar Sahu S/o Guharu Ram Sahu Aged About 34 Years R/o Village Dhaurabhata, Nayapara Near Durga Chowk, Post And P.S. Hirri, Tahsil Bilha, District Bilaspur, Chhattisgarh. (Driver of Hyva No. C.G.-10 C 8953).

2 - Shah Stone Suppliers, Partner Girish Kumar Sahu R/o Bilaspur L - 10, Sheikh Colony, Vinobha Nagar, Tahsil and District Bilaspur, Chhattisgarh. (Owner of Hyva No. C.G.-10-C 8953)

3 - Branch Manager the Oriental Insurance Co. Ltd. Branch Office Ramatrade Centre, 1st Floor, Old Bus Stand, Infront of Rajiv Plaza, P.S. Civil Line, Tahsil and District Bilaspur, Chhattisgarh (Insurer of Hyva No. C.G.-10 C 8953) **... Respondents**

For the appellants	:	Mr. A. L. Singraul, Advocate with Mr. Shalinee Jangde, Advocate
For respondent no. 3	:	Mr. Swati Agrawal, Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

29.10.2026

1. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short "MV Act") has been filed by the claimants seeking enhancement of compensation, challenging the impugned award dated 25.10.2023 passed by the VI Additional Motor Accident Claims Tribunal, Bilaspur Chhattisgarh in Claim Case No. 1570/2022 whereby a total compensation of Rs.22,14,536/- has been granted.

2. As per the facts pleaded in claim application filed under Section 166 of the MV Act, deceased Shekh Shakir died in a motor accident occurred on 22.10.2022 due to rash and negligent driving of respondent no.1 who drove the offending Motorcycle No. C.G. 10-C/8953. Appellant No.1 is the widow, appellants 2,3,4 & 5 are minor children and appellants 6 & 7 are parents of the deceased. They being legal heirs have filed claim application u/s 166 of the M.V. Act, seeking a total compensation of Rs. 45 lakhs.

3. Learned counsel for the appellants submits that the income taken by the Tribunal is on lower side thereby just compensation has not been worked out. He prays that the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

4. Learned counsel for respondent no.3/Insurer submits that the Tribunal has granted adequate compensation and the impugned award needs no interference.

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

6. The claimants pleaded that the deceased was earning monthly income of Rs.30,000/- by dealing in cloth business. However, the Tribunal took the meagre income of Rs. 8200/- per month, which seems to be on lower side. In absence of any cogent reliable evidence regarding the income of deceased and looking to the prevalent market rates, it would be appropriate to take his monthly income to be Rs. 9960/- treating him as unskilled labour as per the the Chhattisgarh Minimum Wages applicable at the time of accident occurred on 22.10.2022.

7. Since the age of deceased was found to be 28 years and there are 7 claimants, following the case-law laid down by Supreme Court, the Tribunal has rightly added 40% future prospectus, deducted 1/5th towards personal expenses and applied multiplier 17 which cannot be said to be unsustainable.

8. The amounts granted under the other conventional heads like loss of earning Rs.16,500/-, funeral expenses Rs.16,500/- and loss of consortium Rs.3,08,000 for 7 claimants are not disputed by the appellants as they are granted in conformity with the principle of 10% automatic enhancement.

9. Thus, in the light of the aforesaid discussion and in view of the decisions of the Supreme Court rendered in *National Insurance Company Ltd. Versus Pranay Sethi (2017) 16 SCC 680*; *Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram (2018) 18 SCC 130* , this Court is computing the compensation as below :

Sl.No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Total loss of dependency	**18,73,536/-**	**Rs.9960** X **12** = **1,19,520** plus **40%** Future Prospectus- i.e.,**47,808** = **1,67,328** minus **1/5th** deduction of personal expenses

			i.e., **33,466** = **1,33,862 x 17** multiplier = **22,75,654/-**
2,	Loss of estate	**16,500/-**	**16,500/-**
3.	Funeral expenses	**16,500/-**	**16,500/-**
4.	Loss of consortium	**3,08,000/-**	(44000 x 7 Claimants) **3,08,000/-**
	Total Rs.	**22,14,536/-**	**26,16,654/-**

10. In view of the aforesaid analysis, the amount of compensation of Rs. 22,14,536/- awarded by the Claims Tribunal is enhanced to Rs. 26,16,654/-. Hence, after deducting the amount of Rs.22,14,536/- the appellants are held entitled for an additional sum of **Rs.4,02,118/**-. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

11. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated hereinabove.

Sd/-

Sanjay Kumar Jaiswal
Judge

Rao

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