CGHC010056722023 2026:CGHC:45115

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 419 of 2023

1. Smt. Rajani Sahu Wd/o Late Gesram Sahu Aged About 23 Years,
2. Geetanjali Sahu D/o Late Gesram Sahu Aged About 3 Years (Represented Through His Mother Namely Smt. Rajani Sahu);
3. Himanshu Sahu S/o Late Gesram Sahu Aged About 1 Years (Represented Through His Mother Namely Smt. Rajani Sahu)

   Appellants No.1 to 3 Are R/o Kukudtal Main Road, Kukudtal, Police Station And Post Dharambandha, Tahsil And District- Nuapada, Orissa.
4. Salikram Sahu S/o Shri Tulsaram Sahu Aged About 50 Years R/o Kukudtal Main Road, Kukudtal, Police Station And Post Dharambandha, Tahsil And District - Nuapada (Orissa).
5. Urmila Sahu W/o Shri Salikram Sahu, Aged About 45 Years R/o Kukudtal Main Road, Kukudtal, Police Station And Post Dharambandha, Tahsil And District - Nuapada (Orissa).

... Appellants(s)

versus

1. Kaibalya Manjhi S/o Shri Padman Manjhi Profession- Driver, R/o Thakurpali Silva, Nuapada, District- Nuapada, Orissa, (Driver Of Vehicle CG06-GQ-1908).
2. Siba Kumar Manjhi S/o Shri Lala Manjhi R/o Kalyanpur,post - Amsena, District- Nuapada, Orissa, (Owner Of Vehicle CG06-GQ-1908).
3. Tata A.I.G. General Insurance Company Limited Through Its Branch Manager, Branch Office-Office No. 403, Fourth Floor, D B City Corporate Park, Plot No. 1, Block No. 9, Rajendra Ground, Tahsil And District - Raipur, Chhattisgarh, (Insurer Of Vehicle CG06-GQ-1908).

... Respondent(s)

For Appellants	:	Ms. Gunjan Rani and Mr. Palash Agrawal, Advocates.
For Respondents No.1 & 2	:	None.
For Respondent No.3/ Insurance Company	:	Ms. Harneet Kaur Khanuja, Advocate.

CHANDRAKANT DEWANGAN

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Date: 2026.10.28 11:02:08 +0530

Single Bench: Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

26/10/2026

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 03/12/2022, passed in Claim Case No.59/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,95,598/- as compensation for the death of Late Gesram Sahu, who died in a road accident which took place on 24/01/2020.

2. The brief facts of the case, as pleaded by the claimants, are that on 24.01.2020 at about 07:00 P.M., the deceased, Late Gesram Sahu, was travelling towards Village Sirtol when a motorcycle bearing registration No.CG06-GQ-1908, driven rashly and negligently by Respondent No.1, dashed against him near Mahuabhata Petrol Pump. As a result, he sustained grievous injuries and succumbed to them during treatment on 25.01.2020. In connection with the incident, an FIR was lodged at Police Station Nuapada, District Nuapada, Odisha, and Crime No.87/2020 was registered for the offences punishable under Sections 279 and 304-A of the Indian Penal Code, 1860.

3. claim petition was filed by the appellants/claimants, who are the legal heirs (wife, minor children, father, and mother) of the deceased, claiming compensation of Rs. 63,43,200/-. It was, inter alia, pleaded that the deceased was aged about 26 years at the relevant time, was working as a mason (Raj Mistry), and was earning Rs.18,000/- per month.

4. Pleading of the claimants have, however, been denied by the respondent/insurance company.

5. After evaluating the evidence available on record, the Tribunal has awarded the compensation of Rs.12,95,598/- along with interest @ 09% per annum in favour of the appellants/claimants taking the monthly income of the deceased as Rs.5,000/-, granting 40% addition towards future prospects, applying the multiplier of 17 and deducting 1/3rd towards his personal expenses. Hence, this appeal for enhancement.

6. Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is submitted that the learned Claims Tribunal has awarded inadequate amounts under the conventional heads. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

7. None for respondent Nos. 1 and 2.

8. Learned counsel appearing for Respondent No. 3/Insurance Company would submit that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. It is further submitted that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

9. I have heard learned counsel for the appellants and respondent No.3, perused the record of the Tribunal, including award impugned.

10. In the case at hand, the learned Tribunal has indeed taken the monthly

income of the deceased at Rs.5,000/- for skilled labourer on the date of accident. Considering that the deceased was 26 years of age at the time of accident and was skilled labour, it would be proper to take his monthly income of Rs.8,600/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for skilled labour.

11. The deceased was married person aged about 26 years at the time of the accident. The learned Tribunal assessed 40% towards future prospects and deducted 1/3rd of the income towards the personal and living expenses of the deceased for computing the loss of dependency and applied the multiplier of '17'. Since, the deceased was married and there were 05 claimants (wife, minor children, father and mother), a 1/4 deduction towards personal and living expenses ought to have been taken but the learned Claims Tribunal deducted 1/3rd towards personal and living expenses, which in view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Vs. Pranay Sethi (2017) 16 SCC 680***, needs to be modified. Accordingly, 1/4 of the income of the deceased is deducted towards his personal and living expenses for the purpose of computation of compensation. Therefore, to that extent the impugned award needs to be modified.

12. However, under the conventional heads, the learned Claims Tribunal has awarded a sum of Rs. 15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.2,00,000/- (40000 x 5) towards consortium. In view of the principles laid down by the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi,*** the claimants are entitled to Rs.16,500/- towards funeral expenses, Rs.16,500/- towards loss of estate and Rs.2.20,000/-

(44000 x 5) towards consortium. To this extent, the impugned award warrants modification. The Tribunal has awarded a sum of Rs. 1,13,598/- towards medical expenses, which is just and proper and does not warrant any interference.

13. 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. 5000 x 12 = 60,000/-	Rs. 8600 x 12 = 1,03,200/-
2.	Future prospect	(+)40% (i.e. Rs. 24,000) = 84,000/-	(+)40% (i.e. Rs. 41,280) = 1,44,480/-
3.	Deduction	(-) 1/3 (i.e. 28,000) = 56,000/-	(-) 1/4 (i.e. 36,120) = 1,08,360/-
4.	Multiplier	(x) 17 = 952000/-	(x) 17 = 18,42,120/-
5	Other conventional heads	Rs. 230,000/- (15,000+15,000+ 2,00,000)	Rs. 2,53,000/- (16,500+16,500+ 2,20,000)
6	Towards medical expenses	Rs.113598/-	Rs.1,13,598/-
	Total	**Rs. 12,95,598/-**	**Rs. 22,08,718/-**

14. In view of the aforesaid analysis, the amount of compensation of **Rs.12,95,598/-** awarded by the Claims Tribunal is enhanced to

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

Rs.2208718/-. Hence, after deducting the amount of **Rs.12,95,598/-**, the appellants are held entitled for an additional amount of **Rs.9,13,120**/-. 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.

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

16. 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

Chandrakant