BHOLA NATH KHATAI
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CGHC010073522025 2026:CGHC:43200

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 465 of 2025

1 - Kaushil Tandon Wd/o Late Chhannu Tandon Aged About 35 Years R/o Village- Patalkundi, Post- Kanteli, Police Station- Lalpur, District- Mungeli (C.G.)

2 - Nekoo Tandon S/o Late Chhannu Tandon Aged About 14 Years Minor Through The Mother (Natural Guardian) Kaushil Tandon (Appellant No. 01), R/o Village- Patalkundi, Post- Kanteli, Police Station- Lalpur, District- Mungeli (C.G.)

3 - Chhote Lal S/o Late Chhannu Tandon Aged About 12 Years Minor Through The Mother (Natural Guardian) Kaushil Tandon (Appellant No. 01), R/o Village- Patalkundi, Post- Kanteli, Police Station- Lalpur, District- Mungeli (C.G.)

4 - Prakash Tandon S/o Late Chhannu Tandon Aged About 10 Years Minor Through The Mother (Natural Guardian) Kaushil Tandon (Appellant No. 01), R/o Village- Patalkundi, Post- Kanteli, Police Station- Lalpur, District- Mungeli (C.G.)

...Appellant(s)

versus

1 - Santosh Koshle S/o Hemant Koshle R/o Village- Barbaspur, Police Station- Lalpur, District- Mungeli (C.G.), (Driver And Owner Of The Vehicle No. - C.G.-28 J-4147)

2 - Tata A. I. G. General Insurance Company Limited 4th Floor, Gwalani Chamber, Office T-08, Near I.C.I.C.I Bank, Vyapar

Vihar, Bilaspur, Police Station - Tarbahar, Tahsil And District-Bilaspur (C.G.), (Insurer Of The Vehicle No. - C.G.- 28 J-4147)

... Respondent(s)

For Appellant(s)	**:**	Mr. Anand Kesharwani, Advocate
For Respondent No.2	**:**	Ms. Harneet Kaur Khanuja, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(06.10.2026)

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 21.08.2024, passed by the 6th Motor Accident Claims Tribunal, Bilaspur (CG), in MACT No.626/2022, whereby the Claims Tribunal has awarded a total sum of Rs.17,12,595/- as compensation for the death of Chhannu Tandon, who died in a road accident that took place on 06.06.2021.

2. Learned counsel appearing for the appellants/claimants submits that the Tribunal has committed a manifest error in assessing the monthly income of the deceased at Rs.7,855/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. Hence, he prays that the instant appeal may kindly be allowed and the compensation awarded by the Tribunal be suitably enhanced in accordance with law.

3. On the other hand, learned counsel appearing for respondent No.2 Insurance Company opposes the submission made by the counsel for appellants and submits that in the facts and circumstances of case, the award passed by the Tribunal is just & proper and does not

require any enhancement.

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

5. Though it has been claimed by the claimants that the deceased was earning Rs.15,000/- per month by doing daily wage labour and agricultural work, no documentary evidence has been brought on record to substantiate the said income. The accident occurred on 06.06.2021 and the minimum wages of even an unskilled labourer at that time was Rs.9,200/-. Accordingly, the monthly income of the deceased is reassessed at Rs.9,200/-.

6. On the date of accident, the deceased was aged about 35 years and a non-salaried person. There are total 4 claimants who are the wife and three sons of the deceased.

7. 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	7,855x12 =94,260	9,200 x12 =1,10,400
2.	Future prospects	(+)40% (i.e.37,704) = 1,31,964	(+)40% (i.e.44,160) = 1,54,560
3.	Deduction towards personal expenses	(-)1/4 (i.e. 32,991) = 98973	(-)1/4 (i.e. 38,640) =115920

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

4.	Multiplier	(x) 15 =14,84,595	(x) 15 = 17,38,800
5.	Funeral Expenses	18,000	18,000
6.	Loss of Estate	18,000	18,000
7.	Loss of Consortium	1,92,000 (48,000 x 4)	1,92,000 (48,000 x 4)
	Total	**Rs. 17,12,595/-**	**Rs. 19,66,800/-**

8. In view of the aforesaid analysis, the compensation of Rs.17,12,595/- awarded by the Claims Tribunal is hereby enhanced to Rs.19,66,800/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants shall be entitled to an additional amount of **Rs.2,54,205/-**. The aforesaid 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 realization. The remaining terms and conditions of the impugned award shall remain unaltered.

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

10. The Registry is directed to communicate the claimants in writing "the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai