CGHC010096892023 2026:CGHC:46287

PRASHANT DEWANGAN Digitally signed by PRASHANT DEWANGAN Date: 2026.11.03 17:35:04 +0530

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 444 of 2023**

**1 -** Shitla Bai Yadav W/o Late Sanjay Yadav Aged About 27 Years R/o Ward No. 06, Amsena, Post Sakrra Thana- Hirri, Tahsil Takhatpur District - Bilaspur Chhattisgarh.

**2 -** Ankit Yadav S/o Late Sanjay Yadav Aged About 12 Years Minor Through Legal Guardian Mother Shitla Bai Yadav. R/o Ward No. 06, Amsena, Post Sakrra Thana- Hirri, Tahsil Takhatpur District - Bilaspur Chhattisgarh.

**3 -** Nandani Yadav D/o Late Sanjay Yadav Aged About 9 Years Minor Through Legal Guardian Mother Shitla Bai Yadav. R/o Ward No. 06, Amsena, Post Sakrra Thana- Hirri, Tahsil Takhatpur District - Bilaspur Chhattisgarh.

**4 -** Nand Yadav S/o Late Sanjay Yadav Aged About 7 Years Minor Through Legal Guardian Mother Shitla Bai Yadav. R/o Ward No. 06, Amsena, Post Sakrra Thana- Hirri, Tahsil Takhatpur District - Bilaspur Chhattisgarh.

**5 -** Bisun Yadav S/o Late Khelan Yadav Aged About 62 Years R/o Village Amsena, Post Sakrra Thana, Hirri, Tahsil - Takhatpur District - Bilaspur Chhattisgarh.

**6 -** Bhagwati Yadav W/o Bisun Yadav Aged About 52 Years R/o Village Amsena, Post Sakrra, Thana- Hirri, Tahsil - Takhatpur District - Bilaspur Chhattisgarh.

**... Appellants**

**versus**

**1 -** Surendra Jaiswal S/o Radhe Lal Jaiswal R/o Village - Amne, Thana And Tahsil Kota, District - Bilaspur Chhattisgarh. (Driver Of Offending Vehicle Mazda No. CG-10/W/5742)

**2 -** Shiv Kumar Kaiwart S/o Punni Ram Kaiwart R/o Ward No. 11, Village Kheksahi (Sardha), Post Sewar, Thana -Chakarbhatha, Tahsil Bilha, District Bilaspur Chhattisgarh (Owner Of Offending Vehicle Mazda No. CG-10/W/5742)

**3 -** Chola Mandalam M.S. General Insurance Company Limited., Main Road, Near- Vinayak Netralay, Vyapar Vihar- Bilaspur Thana-Tarbahar, Tahsil And District Bilaspur Chhattisgarh. (Insurer Of Offending Vehicle Mazda No. CG-10/W/5742)

**... Respondent(s)**

| | | |
|---|---|---|
| For Appellants | : | Mr. A.L. Singroul, Advocate |
| For Respondent No.2 | : | Mr. Sahil Sahu, Advocate |
| For Respondent No.3 | : | Mr. Sangeet Kumar Kushwaha, Advocate |

**Hon'ble Shri Justice Sanjay Kumar Jaiswal**
**Judgment on Board**

**(02/11/2026)**

**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 14/12/2022, passed in Claim Case No. 1735/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.19,23,760/- as compensation for the death of Sanjay Yadav, who died in a road accident which took place on 17/10/2021.

**2.** Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding lesser compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal wrongly assessed the income of the deceased at Rs. 7,800/- per month, whereas it ought to have been taken at Rs. 9,280/- per month in accordance with the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. He further submits

that the compensation awarded towards the consortium is also on the lower side. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

**3.** Learned counsel for respondent No.3/insurance company and respondent No.2 would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

**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.** The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 7,800/-. However, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs. 9,280/- (being the minimum wages prescribed at the relevant time). Further, the learned Claims Tribunal, considering that the deceased was married and aged about 30 years at the time of the accident and having regard to the number of claimants (6), added 40% towards future prospects to the income of the deceased, deducted one-fourth (1/4) of the income towards the personal and living expenses of the deceased and applied multiplier of 17, which is found to be just and proper. However, under the conventional heads, the learned Tribunal awarded only Rs.2,53,000/-, whereas the claimants are entitled to Rs. 2,97,000/-. To that extent, the impugned award warrants modification by re-assessing the monthly income of the deceased and by enhancing the compensation under the conventional heads.

**6.** 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. 7,800/- x 12=93,600 | Rs. 9,280 x 12 = 1,11,360/- |
| 2. | Future prospect | (+)40% (i.e. Rs. 37,440) = 1,31,040/- | (+)40% (i.e. Rs. 44,544) = 1,55,904/- |
| 3. | Deduction | (-) 1/4 (i.e. 32,760) = 98,280/- | (-) 1/4 (i.e. 38,976) = 1,16,928/- |
| 4. | Multiplier | (x) 17 = 16,70,760/- | (x) 17 = 19,87,776/- |
| 5 | Other conventional heads | Rs. 2,53,000/- (44,000 x 5 +16,500+16,500) | Rs. 2,97,000/- (44,000 x 6+ 16,500+16,500) |
| | **Total** | **Rs. 19,23,760/-** | **Rs. 22,84,776/-** |

**7.** In view of the aforesaid analysis, the amount of compensation of Rs.19,23,760/- awarded by the Claims Tribunal is enhanced to Rs.22,84,776/-. Hence, after deducting the amount of Rs. 19,23,760/-, the appellants are held entitled for an additional amount of Rs.**3,61,016**/-. The additional amount of compensation shall carry interest @ 6% per annum from the date of the filing of the claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

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1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

**9.** 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**

Prashant