CGHC010105242025 2026:CGHC:43190

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 718 of 2025

1 - Daman Singh Uike S/o Shri Shivraj Singh Aged About 53 Years R/o Post Office Ward, Ward No. 24, Dhamtari, Presently Resided At Sagarpara, Arjuni, Tahsil And District Dhamtari (C.G.)

2 - Smt. Mini W/o Shri Daman Singh Uike Aged About 40 Years R/o Post Office Ward, Ward No. 24, Dhamtari, Presently Resided At Sagarpara, Arjuni, Tahsil And District Dhamtari (C.G.)

... Appellants

versus

1 - Sunil Kumar Nishad S/o Shri Angaruj Nishad Aged About 32 Years R/o Village- Manch Chowk Ward No. 02, Baghmara, Tahsil Gunderdehi, District Balod (C.G.)

2 - Khomeshwar Lal S/o Shri Devendra Sahu Aged About 40 Years R/o House No. 301 Of Mr. Pramod Sahu, Rajnandgaon, District Rajnandgaon, Presently Resided At Khartuli, Tahsil And District Dhamtari (C.G.)

3 - Insurance Company The New India Insurance Company Limited,office- Second Floor, Phase- 01, Lic Campus Investment, Building, Jeevan Beema Marg, Pandari, Raipur, District Raipur (C.G.)

... Respondents

For Appellants/Claimants	:	Ms. Dhaneshwari Patel, Adv. on behalf of Mr. P.K. Patel, Advocate.
For Respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Mr. Qamrul Aziz, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(06.10.2026)

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1. Heard on I.A. No. 01/2025, application under Section 5 of the Limitation Act for condonation of delay in filing memo of appeal.

2. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2025 is allowed. Delay of 5 days in filing the appeal is condoned.

3. Also heard on admission.

4. Admit.

5. With the consent of the parties, the matter was heard finally.

6. 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 05.12.2024, passed in Claim Case No.05/2024, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,65,360/- as compensation for the death of Late Devraj Uike (20 years old), who died in a road accident which took place on 23.10.2023.

7. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.7,800/- per month, whereas the minimum wages were Rs. 10,100/- per month on the date of the accident i.e. 23.10.2023; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

8. Learned counsel for respondent No. 3/insurance company supported the impugned award.

9. I have heard learned counsel for the parties and went through the records with utmost circumspection.

10. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 7,800. According to the claimants, the deceased was aged about 20 years and was working as a mason; he used to earn Rs. 300-400 per day from his work, but no documents have been produced in support of this fact, hence, it would proper to take his monthly income of Rs.10,100/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Furthermore, in other conventional heads the Tribunal has granted only Rs.86,000/- which ought to be Rs.1,32,000/-, to that extent the impugned award needs to be modified.

11. 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. 10,100 x 12 = 1,21,200/-
2.	Future prospect	(+)40% (i.e. Rs. 37,440) = 1,31,040/-	(+)40% (i.e. Rs. 48,480) = 1,69,680/-
3.	Deduction	(-) 1/2 (i.e. Rs. 65,520) = 65,520/-	(-) 1/2 (i.e. Rs. 84,840) = 84,840/-
4.	Multiplier	(x) 18 = 11,79,360/-	(x) 18 = 15,27,120/-
5	Other conventional heads	Rs. 86,000/- [18,000+18,000+50,000]	Rs. 1,32,000/- [18,000+18,000+(48,000x2)]
	Total	**Rs. 12,65,360/-**	**Rs. 16,59,120/-**

12. In view of the aforesaid analysis, the amount of compensation of

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

Rs.12,65,360/- awarded by the Claims Tribunal is enhanced to Rs.16,59,120/-. Hence, after deducting the amount of Rs.12,65,360/-, the appellants are held entitled for an additional amount of **Rs.3,93,760/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

14. 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

H.L. Sahu