CGHC010118542024 2026:CGHC:46766

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 732 of 2024

1 - Smt. Krishna Bai Yadav Wd/o Late Lakhandhar Yadav Aged About 42 Years Resident Of Mahamayapara Ratanpur, Dist. Bilaspur, C.G. Present Address- Village Polmi, Tahsil And Police Station- Pali, Dist. Korba, C.G.

2 - Ashish Kumar Yadav S/o Late Lakhandhar Yadav Aged About 23 Years Resident Of Mahamayapara Ratanpur, Dist. Bilaspur, C.G. Present Address- Village Polmi, Tahsil And Police Station- Pali, Dist. Korba, C.G.

3 - Ku. Akasnsha Yadav D/o Late Lakhandhar Yadav Aged About 21 Years Resident Of Mahamayapara Ratanpur, Dist. Bilaspur, C.G. Present Address- Village Polmi, Tahsil And Police Station- Pali, Dist. Korba, C.G.

4 - Ayush Yadav S/o Late Lakhandhar Yadav Aged About 17 Years Minor Represented Through The Mother Smt. Krishna Bai Yadav, Resident Of Mahamayapara Ratanpur, Dist. Bilaspur, C.G. Present Address- Village Polmi, Tahsil And Police Station- Pali, Dist. Korba, C.G.

... Appellants

versus

1 - Balkrishna Yadav S/o Late Jamuna Prasad Yadav Aged About 28 Years Resident Of Mahamayapara Ratanpur, Ward No. 3, Dist. Bilaspur, C.G. (Driver Of Vehicle Cg-12-Ay-4514)

2 - Shivcharan Yadav S/o Shri Ramlal Yadav Resident Of Village- Polmi, Post Office- Silli, Tahsil Pali, Dist. Korba, C.G. (Owner Of Vehicle Cg-12-Ay-4514)

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3 - The Branch Manager Tata A.I.G. General Insurance Company Limited, Branch Office, No. T-B, Fourth Floor, Gwalani Chamber, Vyapar Vihar, Main Road, Bilaspur, C.G. (Insure Of Vehicle Cg-12-Ay-4514)

... Respondents

For Appellants/Claimants	:	Ms. Swati Rani Saraf, Advocate.
For respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Ms. Mansi Bandey, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(04.11.2026)

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 31.01.2024, passed in Claim Case No. 140/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.11,68,470/- as compensation for the death of Lakhandhar Yadav (54-years-old) who died in a road accident which took place on 24.06.2020.

2. Learned counsel for the appellants submits that the income assessed by the Claims Tribunal at Rs. 7,555/- per month is on the lower side, as on the date of the accident i.e. 24.06.2020, the minimum wages of the unskilled labourer were Rs. 8,860/-. Hence, the appeal be allowed, and the award passed by the Claims Tribunal be suitably enhanced.

3. Learned counsel for respondent No. 3 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. In the case in hand, the learned Tribunal has indeed taken the deceased's monthly income to be Rs. 7,555/-. The claimants pleaded that the deceased was a mason aged about 54 years and was earning Rs. 12,000/- per month, but they could not produce any cogent or reliable proof to substantiate their claim. Therefore, it would be proper to take his monthly income as Rs. 8,860/-, in accordance with the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh, for unskilled labour for that period. Accordingly, the impugned award needs to be modified to that extent.

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 this Court**
1	Income	Rs. 8860x12 = 1,06,320/-
2.	Future prospect	(+)10% (i.e. 10,632) = 1,16,952
3.	Deduction	(-) 1/4 (i.e. 29,238) = 87,714/-
4.	Multiplier	(x) 11 = 9,64,854/-
5.	Other conventional heads	Rs. 2,09,000/- [16,500+16,500+(44,000x4)]
	Total	**Rs. 11,73,854/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.11,68,470/- awarded by the Claims Tribunal is enhanced to Rs.11,73,854/-. Hence, after deducting the amount of Rs.11,68,470/-, the appellants are held entitled for an additional amount of **Rs.5,384/-**. The additional amount of

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

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.

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

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

H.L. Sahu