CGHC010126082025 2026:CGHC:45872

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 774 of 2025

1 - Smt. Anisha Nishad Wd/o Late Shri Dular Nishad Aged About 24 Years R/o Village - Kewatpara, Takhatpur, Police Station - Takhatpur, District - Bilaspur Chhattisgarh

2 - Sandip Kumar Nishad S/o Late Shri Dular Nishad Aged About 3 Years Minor Through The Mother (Natural Guardian) Smt. Anisha Nishad, Appellant No. 01, R/o Village - Kewatpara, Takhatpur, Police Station - Takhatpur, District - Bilaspur Chhattisgarh

3 - Smt. Mongra Bai Nishad W/o Shri Ajay Nishad Aged About 42 Years R/o Village - Kewatpara, Takhatpur, Police Station - Takhatpur, District - Bilaspur Chhattisgarh

4 - Ajay Nishad S/o Shri Dukhuram Nishad Aged About 47 Years R/o Village - Kewatpara, Takhatpur, Police Station - Takhatpur, District - Bilaspur Chhattisgarh

... Appellants

versus

1 - Chumman Vaishnav S/o Shri Shatrughan Vaishnav Aged About 27 Years R/o Village - Beltukari, Police Station - Nandghat (Wrongly Mentioned As Nandghat), District Bemetara Chhattisgarh (**Driver** Of The Vehicle Motor Cycle No. - C.G. 25 J/3889)

2 - Nagesh Kumar Rajpur S/o Shri Hiran Singh Rajput Aged About 22 Years R/o Village - Beltukari, Police Station - Nandghat (Wrongly Mentioned As Nandghat), District Bemetara Chhattisgarh (**Owner** Of The Vehicle Motor Cycle No. - C.G. 25 J/3889)

3 - Tata AIG General Insurance Company Limited Through Branch Manager, Branch Office - O - Zone Bilaspur Road, Near Fafadih Chowk, Raipur District Raipur Chhattisgarh (**Insurer** Of The Vehicle Motor Cycle No. - C.G. - 25 J/3889)

... Respondents

For Appellants	:	Mr. Anand Kesharwani, Advocate
For Respondent Nos. 1 & 2	:	None
For Respondent No.3	:	Ms. Harneet Kaur Khanuja, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(29.10.2026)

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 29.01.2025, passed in Claim Case No.1513/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.23,91,672/- as compensation for the death of Late Dular Nishad, who died in a road accident which took place on 04.05.2022.

2. Learned counsel for the appellants submits that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. The deceased at the relevant time was whole-seller of fish and earning Rs.30,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.9,540/- for unskilled labour, which is not justified. Therefore, the impugned award needs to be enhanced suitably.

3. None for respondent Nos. 1 & 2

4. Learned counsel appearing for respondent No.3/Insurance

Company opposing the argument advanced by learned counsel for the appellants submits that the learned Tribunal, after appreciating oral and documentary evidence, has rightly passed the impugned award and has rightly awarded amount under the conventional heads, which needs no interference by this Court.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

6. In the present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Dular Nishad was whole-seller of fish and earning Rs.30,000/- per month. However, no cogent and reliable evidence was adduced by the appellants/claimants to substantiate this claim. The learned Tribunal has indeed taken the monthly income of the deceased at Rs.9,540/-. Considering the deceased as unskilled labourer at the time of accident i.e. 04.05.2022, it would be proper to take his monthly income at Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.

7. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 04.05.2022, the fact that he was married aged 23 years, and number of dependents (04), has rightly taken future prospect of 40%, deducted 1/4 towards personal expenses and applied multiplier of 18 respectively, along with Rs.18,000/- towards loss of estate, Rs.18,000/- towards funeral expenses, Rs.1,92,000/- (48,000x4) towards consortium, which, in the facts and circumstances of the case, is just and proper & calls for no interference.

8. 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. 9540x12 = Rs.1,14,480/-	Rs.9,960x12 = Rs.1,19,520/-
2.	Future prospect	(+)40% (i.e. Rs.45,792) = Rs.1,60,272/-	(+)40% (i.e. Rs. Rs.47,808/-) = Rs.1,67,328/-
3.	Deduction	(-) 1/4 (i.e. Rs.40,068/-) = Rs.1,20,204/-	(-) 1/4 (i.e. Rs.41,832/-) = Rs.1,25,496/-
4.	Multiplier	(x) 18 = Rs 21,63,672/-	(x) 18 = Rs.22,58,928/-
5	Towards Loss of consortium to all 03 claimants	(Rs.48,000 x 4) Rs.1,92,000/-	Rs. 48,000 x 4 = Rs.1,92,000/-
6.	Towards Loss of Estate	Rs.18,000/-	Rs.18,000/-
7.	Towards funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	**Rs.23,91,672/-**	**Rs.24,86,928/-**

9. In view of the aforesaid analysis, the amount of compensation of Rs.23,91,672/- awarded by the Claims Tribunal is enhanced to Rs.24,86,928/-. Hence, after deducting the amount of Rs.23,91,672/-, the appellants are held entitled for an additional

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

amount of **Rs.95,256/-**. 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.

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

11. 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

Digitally signed by VIJAY BHARATRAO PEKDE
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