CGHC010368822026 2026:CGHC:45964

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2246 of 2026

1 - Rajbati Matlam W/o Late Jailal Matlam Aged About 45 Years.

2 - Gulshan Kumar Matlam S/o Late Jailal Matlam Aged About 19 Years.

3 - Roshan Kumar S/o Late Jailal Matlam Aged About 17 Years.

Appellant No.3 Through Mother And Natural Guardian Rajbati Matlam/Appellant No.1.

All are R/o Village Ghotulbeda, Post Office- Bondanar, Police Station- Tadoki, District- Kanker (C.G.)

... Appellants.

versus

1 - Yogesh Kumar Uike S/o Late Ramnath Uike Aged About 27 Years R/o Hindu Bina Pal (Palat Para) Police Station- Antagarh, District- Kanker (C.G.)

2 - Kamlesh Kumar Saiyyam S/o Late Mishri Lal Saiyyam R/o Jain Mandir, Ward No. 22, Dalli Rajhara, Tahsil- Daundi, District- Balod (C.G.)

3 - Tata A.I.G. General Insurance Company Ltd. Through Officer In Charge, Tata A.I.G. General Insurance Company Ltd.
Address 1- 1st Floor, 106, 107 Wallfort Ozone, Bilaspur Road, Fafadih Chowk, Raipur Police Staiton- Ganj Raipur, District- Raipur (C.G.)

Address 2- Tata A.I.G. General Insurance Company Ltd., 2nd Floor Building No. 9/1, Behind Khadelwal Motors, M.G. Road, Adjoining Treasure Island Mall, Indore- 452001.

... Respondents

For Appellants : Mr. Rakesh Kumar Thakur, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.

Judgment on Board

(30.10.2026)

1. Heard on I.A. No. 01/2026, an application for condonation of delay of 85 days in filing this appeal.

2. This is claimants' appeal for enhancement of award amount.

3. Upon due consideration and for the reasons mentioned in the application, the same (I.A.No.01/2026) is allowed. Delay of 85 days in filing the appeal is hereby condoned.

4. Also heard on admission.

5. This is the claimants' appeal for enhancement against the award dated 20.03.2026 passed by Motor Accident Claims Tribunal, Raipur, (C.G.) in Claim Case No.76/2024, whereby a compensation amount of Rs.14,80,000/- has been awarded on account of death of Jailal Matlam, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 14.09.2023.

6. Learned counsel appearing for the appellants submits that the learned Tribunal has assessed the monthly income of the deceased as Rs.10,000/-, which is on lower side, however, at the time of alleged incident, he (deceased) was working as mason and thereby earning Rs.12,000/- per month. Hence, it is prayed that income of the deceased be re-assessed at a higher rate and the compensation amount awarded by the learned Tribunal be enhanced accordingly. In support of his contention, he places reliance upon the decision of Hon'ble Supreme Court in case of

Chandra Kala & Ors versus ICICI Lombard Motor Insurance Co. Ltd & Ors, reported in, **2025 LawSuit (SC) 1400**.

7. I have heard learned counsel appearing for the appellants and perused the memo of appeal including the award impugned.

8. Considering the fact that the alleged accident occurred on 14.09.2023 and according to the minimum wages notification issued by the Labour Department, the minimum wages prescribed for an unskilled labourer at that relevant time was Rs.9,960/- per month, however, Tribunal as assessed the income of deceased as Rs.10,000/- per month. Furthermore, before the Tribunal appellants have failed to produce any cogent or reliable evidence to substantiate either the occupation or income of the deceased. Hence, this Court finds no basis to assess the income of deceased at a higher rate than Rs.10,000/- per month. Furthermore, considering that the deceased was aged about 47 years of age bracket, the Tribunal added 30% towards future prospects; looking to the number of claimants (03) deducted 1/3rd of the income towards personal and living expenses and considering the age bracket (46 - 50 years), applied a multiplier of 13, appropriate for the deceased's age group. Further, Rs.1,80,000/- under other conventional heads has been awarded. Accordingly, the Tribunal awarded a total compensation of Rs.14,80,000/- in favour of the claimants.

9. Having carefully perused the impugned award including the pleadings made in memo of appeal, this Court is of the considered

view that the Tribunal has judiciously appreciated the evidence and there is no evidence/material to hold that the deceased was earing Rs.12,000/- per month by doing a work as mason. The quantum of compensation awarded is fair and proper. There is no legal or factual infirmity in the impugned award calling for interference by this Court.

10. Accordingly, the appeal of the appellants is hereby **dismissed** at the admission stage itself.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

J.