BHOLA NATH KHATAI
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CGHC010130322025 2026:CGHC:46693

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 958 of 2025

1 - Sukhman Bai W/o Lt. Dubraj Singh Aged About 45 Years (Wife Of Deceased), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

2 - Soniya D/o Lt. Dubraj Singh Aged About 22 Years (Daughter Of The Deceased), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

3 - Smt. Aishwarya Bai W/o Lt. Narbada Singh Aged About 60 Years (Mother Of Deceased), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

4 - Laxmaniya D/o Lt. Dubraj Singh Aged About 14 Years (Daughter Of Deceased), (Minor Duly Represented By Claimant 01 (Mother) Who Is The Natural Guardian), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

5 - Raju Singh S/o Lt. Dubraj Singh Aged About 14 Years (Son Of Deceased), (Minor Duly Represented By Claimant 01 (Mother) Who Is The Natural Guardian), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

6 - Rajkumar S/o Lt. Dubraj Singh Aged About 10 Years (Son Of Deceased), (Minor Duly Represented By Claimant 01 (Mother) Who Is The Natural Guardian), R/o Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.), R/o

Village - Navgai, P.S. - Manendragarh, Post - Kathotiya, District - Koriya (C.G.)

... Appellant(s)

versus

1 - Udaybhan Singh S/o Lt. Mayalal Aged About 28 Years (Vehicle Owner And Farmer), R/o Village - Ward No.-069, Barel, Post - Bahrasi, P.S. - Janakpur, District - Koriya (C.G.), (Driver And Owner)

2 - Branch Manager, National Insurance Company Ltd., Branch Office - Korba, District - Korba (C.G.), (Insurance Company)

... Respondent(s)

For Appellant(s)	**:**	Mr. H. A. P. S. Bhatia, Advocate
For Respondent No.2	**:**	Ms. Pooja Yadav, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(04.11.2026)

1. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter was heard finally.

2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 24.10.2024, passed by the Additional Motor Accident Claims Tribunal, Baikunthpur, District Koriya (CG), in Claim Case No.86/2022, whereby the Claims Tribunal has awarded a total sum of Rs.12,93,255/- as compensation for the death of Dubraj Singh, who died in a motor vehicle accident that took place on 19.01.2022.

3. Learned counsel appearing for the appellants/claimants

submits that the Tribunal has committed a manifest error in assessing the monthly income of the deceased at Rs.6,812/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. Hence, he prays that the instant appeal may be allowed and the compensation awarded by the Tribunal be suitably enhanced.

4. On the other hand, learned counsel appearing for respondent No.2 Insurance Company opposes the submission made by the counsel for appellants and submits that in the facts and circumstances of case, the compensation awarded by the Tribunal is just & proper and does not require any enhancement.

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

6. The accident occurred on 19.01.2022 and the minimum wages of even an unskilled labourer at that time was Rs.9,280/-. Accordingly, the monthly income of the deceased is reassessed at Rs.9,280/-.

7. On the date of accident, the deceased was aged about 50 years and a non-salaried person. There are total six claimants in the present case.

8. Considering the date of the accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, the deduction towards personal expenses, the multiplier applied and the amount granted under conventional heads by the Tribunal are just, proper and in accordance with law.

9. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **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]**, the compensation is recomputed as under:-

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	6812x12 =81,744	9,280 x12 =1,11,360
2.	Future prospects	(+)25% (i.e.20,436) = 1,02,180	(+)25% (i.e.27,840) = 1,39,200
3.	Deduction	(-) 1/4 (i.e. 25,545) = 76,635	(-)1/4 (i.e. 34,800) = 1,04,400
4.	Multiplier	(x) 13 =9,96,255	(x) 13 = 13,57,200
5.	Funeral Expenses	16,500	16,500
6.	Loss of Estate	16,500	16,500
7.	Loss of consortium	2,64,000 (44,000 x 6)	2,64,000 (44,000 x 6)
	Total	**Rs. 12,93,255/-**	**Rs. 16,54,200/-**

10. In view of the aforesaid analysis, the compensation of Rs.12,93,255/- awarded by the Claims Tribunal is hereby enhanced to Rs.16,54,200/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants shall be entitled to an additional amount of **Rs.3,60,945/-**. The aforesaid additional/enhanced amount of compensation shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its realization. The remaining terms and conditions of the impugned award

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

shall remain unaltered.

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

12. The Registry is directed to communicate the claimants in writing "the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai