BHOLA NATH KHATAI
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CGHC010140122026 2026:CGHC:45874

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 979 of 2026

1 - Smt. Gautam Sidar W/o Late Vishal Singh Aged About 34 Years R/o House No. 179, Ward No. 08 Kasaipali, Post Jawali, Police Station And Tahsil Dipka, District Korba (CG.)

2 - Sabhyata Sidar D/o Late Vishal Singh Aged About 13 Years R/o House No. 179, Ward No. 08 Kasaipali, Post Jawali, Police Station And Tahsil Dipka, District Korba (C.G.)

3 - Siddharth Sidar S/o Late Vishal Singh Aged About 8 Years R/o House No. 179, Ward No. 08 Kasaipali, Post Jawali, Police Station And Tahsil Dipka, District Korba (C.G.)

4 - Smt. Rama Bai W/o Birbal Singh Aged About 51 Years R/o House No. 179, Ward No. 08 Kasaipali, Post Jawali, Police Station And Tahsil Dipka, District Korba (C.G.)

5 - Shri Birbal Singh W/o Panikram, Aged About 57 Years R/o House No. 179, Ward No. 08 Kasaipali, Post Jawali, Police Station And Tahsil Dipka, District Korba (C.G.) (Claimants)

... Appellant(s)

versus

1 - Rahul Tiwari S/o Ashwani Tiwari, R/o Dipka Basti, Ward No. 03 Dipka, P.S. And Tahsil Dipka, District Korba (C.G.) (Driver)

2 - National Insurance Company Ltd. Through Branch Manager, Office Near Kosabadi Chowk Korba (C.G.) Insurer)

... Respondent(s)

For Appellant(s)	:	Mr. Shikhar Shukla, Advocate
For Respondent No.2	:	Mr. G. V. K. Rao, 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 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 24.01.2026, passed by the 2nd Additional Motor Accident Claims Tribunal, Katghora, District Korba (CG), in Claim Case No.83/2024, whereby the Claims Tribunal has awarded a total sum of Rs.16,10,473/- as compensation for the death of Vishal Singh, who died in a motorvehicle accident that took place on 25.03.2024.

2. 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.8,060/-, 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 kindly be allowed and the compensation awarded by the Tribunal be suitably enhanced in accordance with law.

3. 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 award passed by the Tribunal is just & proper and does not require any enhancement.

4. I have heard learned counsel for the parties, considered

their submissions made herein-above and went through the records with utmost circumspection.

5. The accident occurred on 25.03.2024 and the minimum wages of even an unskilled labourer at that time was Rs.10,100/-. Accordingly, the monthly income of the deceased is reassessed at Rs.10,100 /-.

6. At the time of the accident, the deceased was aged about 42 years and was a non-salaried person. There are five claimants in the present case.

7. Considering the date of the accident, the age of the deceased, the number of claimants and the evidence available on record, this Court finds that the addition towards future prospects, the deduction towards personal expenses, the multiplier applied and amounts awarded under the conventional heads and towards medical expenses by the Tribunal are just, proper and in accordance with law.

8. 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	8,060x12 =96,720	10100 x12 =1,21,200
2.	Future prospects	(+)25% (i.e.24,180) = 1,20,900	(+)25% (i.e.30,300) = 1,51,500

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

3.	Deduction	(-) 1/4 (i.e. 30,225) = 90,675	(-)1/4 (i.e.37875) = 1,13,625
4.	Multiplier	(x) 14 =12,69,450	(x) 14 = 15,90,750
5.	Funeral Expenses	18,000	18,000
6.	Loss of Estate	18,000	18,000
7.	Loss of consortium	2,40,000 (48,000 x 5)	2,40,000 (48,000 x 5)
8.	Medical expenses	65,023	65,023
	Total	**Rs. 16,10,473/-**	**Rs. 19,31,773/-**

9. In view of the aforesaid analysis, the compensation of Rs.16,10,473/- awarded by the Claims Tribunal is hereby enhanced to Rs.19,31,773/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants shall be entitled to an additional amount of **Rs.3,21,300/-**. 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 shall remain unaltered.

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

11. 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