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CGHC010165092024 2026:CGHC:47334

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1031 of 2024

1 - Smt. Chaiti Bai Kashyap W/o Late Shri Laikhan Ram Kashyap Aged About 60 Years (Next Friend For Respondent No. 2) R/o Village Chapka, Patelpara, Police Station Bhanpuri District Bastar Chhattisgarh

2 - Roshan Kashyap S/o Late Shri Shiboram Alias Shankar Kashyap Aged About 7 Years R/o Village Chapka, Patelpara, Police Station Bhanpuri District Bastar Chhattisgarh

... Appellant(s)

versus

1 - Balraj Singh S/o Shri Daljit Singh Aged About 42 Years Through Akashdeep Singh Gill (Director New Jeewan Bus Services) S/o Shri Lakhwant Singh Gill, Aged About 34 Years, R/o New Bus Stand Bhatagaon Raipur, District Raipur (Vehicle Driver)

2 - Akashdeep Singh Gill (Director New Jeevan Bus Services) S/o Shri Lakhwant Singh Gill Aged About 34 Years R/o New Bus Stand Bhatagaon, Raipur, District Raipur (Vehicle Owner)

3 - The National Insurance Company Limited Through Branch Manager, Branch Office Sirhasar Chowk, Jagdalpur District Bastar Chhattisgarh (Insurance Company)

... Respondent(s)

For Appellants	:	Mr. Shikhar Shukla, Advocate
For Respondent No.2	:	Mr. Virendra Verma, Advocate
For Respondent No.3	:	Mr. Sanjay Patel, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(17.11.2026)

1. With the consent of learned counsel appearing for the parties, 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 compensation awarded by the Motor Accident Claims Tribunal, Bastar place Jagdalpur (C.G.) vide impugned award dated 01.03.2024 passed in Claim Case No.247/2022, whereby a total sum of ₹13,70,000/- has been awarded on account of the death of Shiboram @ Shankar Kashyap, who succumbed to the injuries sustained in the motor vehicle accident that occurred on 29.08.2022.

3. Learned counsel appearing for the appellants/claimants submits that the Claims Tribunal has committed an error in assessing the monthly income of the deceased at ₹9,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. It is further submitted that the compensation awarded under the conventional heads is also inadequate and deserves to be enhanced in accordance with the principles laid down by the Hon'ble Supreme Court. It is, therefore, prayed that the compensation awarded by the Claims Tribunal be suitably enhanced.

4. Per contra, learned counsel appearing for respondents No. 2 & 3 oppose the submission advanced on behalf of the appellants/claimants and submit that, having regard to the facts and circumstances of the case, the compensation awarded by the Claims Tribunal is just and proper and does not call for any interference by this Court.

5. Heard learned counsel for the parties and perused the record with due circumspection.

6. The accident occurred on 29.08.2022 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹9,960/- per month. Accordingly, the monthly income of the deceased is reassessed at ₹9,960/-.

7. The deceased was a non-salaried person aged about 44 years at the time of accident. There are two claimants in the present case.

8. Considering the date of accident, the age of the deceased and the number of dependants, this Court finds that the addition towards future prospects, deduction towards personal expenses and the multiplier applied by the Claims Tribunal are just, proper and in accordance with law. However, the amounts awarded by the Claims Tribunal under the conventional heads are required to be suitably enhanced in view of the law laid down by the Hon'ble Supreme Court.

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	9,000 × 12 = 1,08,000	9960 × 12 = 1,19,520
2.	Future prospects	(+) 25% (i.e. ₹27,000) = 1,35,000	(+) 25% (i.e. 29,880) = 1,49,400

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

3.	Deduction towards personal expenses	(-) 1/3 (i.e. 45,000) = 90,000	(-) 1/3 (i.e. 49,800) = 99,600
4.	Multiplier	(×) 14 = 12,60,000	(×) 14 = 13,94,400
5.	Funeral Expenses	15,000	16,500
6.	Loss of Estate	15,000	16,500
7.	Loss of consortium	₹80,000 (40,000 x 2)	88,000 (44,000 x 2)
	Total	**₹13,70,000/-**	**₹15,15,400/-**

10. In view of the aforesaid analysis, the amount of compensation of ₹13,70,000/- awarded by the Claims Tribunal is enhanced to ₹15,15,400/-. Thus, after deducting the amount already awarded by the Claims Tribunal, the appellants/claimants are held entitled to an additional amount of **₹1,45,400/-**. The additional 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.

11. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.

12. The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount awarded in the present appeal over and above the amount awarded by the concerned Claims Tribunal. Such communication shall be made in Hindi (Devanagari) language, and the assistance of Para-Legal Volunteers may be availed in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai