CHANDRAKANT DEWANGAN

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CGHC010213502025 2026:CGHC:45966

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1174 of 2025

1 - Santosh Kumar Gond S/o Goverdhan Gond Aged About 37 Years,

2 - Monika Gond S/o Santosh Kumar Gond Aged About 17 Years,

3 - Dron Kumar Gond S/o Santosh Kumar Gond Aged About 12 Years,

Appellants No. 2 and 3 Are Minor Through Natural Guardian Father Santosh Kumar Gond S/o Goverdhan Gond (Appellant No.1)

All Are R/o Village Saloni, Police Station Keregaon, District Dhamtari (C.G.)

... Appellant(s)

versus

1 - Anil Kumar Patel S/o Late Ramkripal Patel Aged About 48 Years R/o Village Nakvel, Police Station Churhat, District Sidhi (Madhya Pradesh) (Driver Of Offending Vehicle No. CG-10/ B.G- 7455)

2 - M/s DMV Logistics, C/o Dinesh Singh M-1, Yadunandan Nagar, Tifra, Bilaspur, Tahsil And District Bilaspur (C.G.) (Owner Of Offending Vehicle No. CG-10/ B.G- 7455)

3 - Branch Manager United Indian Insurance Company Limited, Bastar Road Chhota, Upper Side Of Union Bank, Tikarapara, Chowk, Dhamtari, Tahsil And District Dhamtari (C.G.) (Insurer Of Offending Vehicle No. CG-10/ B.G-7455)

... Respondent(s)

For Appellant(s)	:	Mr. Praveen K. Dhurandhar, Advocate.
For Respondents No.1 & 2	:	None.
For Respondent No.3/ Insurance Company	:	Ms. Sonali Kesharwani, Advocate.

Single Bench: Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

30/10/2026

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 11/03/2025, passed in Motor Accident Claim Case No.02/2024, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,24,000/- as compensation for the death of Smt. Lata Gond @ Hemlata Dhruv, who died in a road accident which took place on 21/11/2023.

2. The brief facts of the case, as pleaded by the claimants, are that on 21.11.2023, the deceased was travelling on a motorcycle bearing Registration No. CG-05/AJ-1856 along with Umend Mandavi. At about 1:30 a.m., when they reached Dhamtari–Nagari Road at Keregaon, a truck bearing Registration No.CG-10/BG-7455, driven rashly and negligently by Respondent No.1, dashed against the motorcycle. As a result of the accident, the deceased sustained fatal injuries and died. In connection with the incident, an FIR was lodged at Police Station Keregaon, District Dhamtari (C.G.), and Crime No. 62/2023 was registered against the driver of the offending vehicle for the offences punishable under Sections 279, 337 and 304-A of the Indian Penal Code, 1860.

3. Claim petition was filed by the appellants/claimants, who are the legal heirs (husband and two children) of the deceased, claiming compensation of Rs. 28,00,000/-. It was, inter alia, pleaded that the deceased was aged about 37 years at the relevant time, was working as a Mitanin and also tailor, and was earning Rs.12,000/- per month.

4. Learned counsel for the appellants submits that the learned Claims

Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal wrongly assessed the income of the deceased at Rs. 8,000/- per month, whereas it ought to have been taken at Rs.10,100/- per month in accordance with the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. It is submitted that the learned Claims Tribunal has awarded inadequate amounts under the conventional heads. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

5. None for respondent Nos. 1 and 2.

6. Learned counsel appearing for Respondent No. 3/Insurance Company would submit that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. It is further submitted that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

7. I have heard learned counsel for the appellants and respondent No.3, perused the record of the Tribunal, including award impugned.

8. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased on a notional basis at Rs.8,000/- for unskilled labourer on the date of accident. Considering that the deceased was 37 years of age at the time of accident and was working as Mitanin and also a tailor, it would be proper to take his monthly income of Rs.10,100/- 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.

9. The deceased was married woman aged about 37 years at the time of the accident. The learned Tribunal assessed 40% towards future prospects and deducted 1/3rd of the income towards the personal and living expenses of the deceased for computing the loss of dependency and applied the multiplier of '15'. Since, the deceased was married and there were 03 claimants (husband and two children), a 1/3 deduction towards personal and living expenses and under the conventional heads, the learned Claims Tribunal has awarded a sum of Rs. 18,000/- towards funeral expenses, Rs.18,000/- towards loss of estate and Rs.1,44,000/- (48000 x 3) towards consortium, which is found to be just and proper.

10. 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. 8,000 × 12 = Rs. 96,000/-	Rs. 10,100 × 12 = Rs. 1,21,200/-
2.	Future Prospects (+40%)	(+) Rs. 38,400/- = Rs. 1,34,400/-	(+) Rs. 48,480/- = Rs. 1,69,680/-
3.	Deduction towards Personal Expenses (1/3)	(−) Rs. 44,800/- = Rs. 89,600/-	(−) Rs. 56,560/- = Rs. 1,13,120/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

4.	Multiplier	Rs. 89,600 × 15 = Rs. 13,44,000/-	Rs. 1,13,120 × 15 = Rs. 16,96,800/-
5.	Other Conventional Heads	Rs. 1,80,000/- (Rs. 18,000 + Rs. 18,000 + Rs. 1,44,000)	Rs. 1,80,000/- (Rs. 18,000 + Rs. 18,000 + Rs. 1,44,000)
	Total Compensation	**Rs.15,24,000/-**	**Rs. 18,76,800/-**

11. In view of the aforesaid analysis, the amount of compensation of **Rs.15,24,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 18,76,800/-**. Hence, after deducting the amount of **Rs.15,24,000/-**, the appellants are held entitled for an additional amount of **Rs. 3,52,800/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

13. 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

Chandrakant