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CGHC010213512025 2026:CGHC:45288

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1167 of 2025

1 - Biharilal Sahu S/o Late Shyamlal Sahu Aged About 70 Years R/o Village Ranwa, Post Sansinva, Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh

2 - Smt. Silochana Bai W/o Bihari Lal Sahu Aged About 64 Years R/o Village Ranwa, Post Sansinva, Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh

... Appellants

versus

1 - Rudrapratap Nishad S/o Harijay Nishad Aged About 34 Years R/o Village Bakharupara, Narayanpur District Narayanpur Chhattisgarh (Driver)

2 - M/s Joysol Furniture Proprietor Mukesh Jain, S/o Gulab Chand Jain, Aged About 43 Years, R/o Main Road Narayanpur, Police Station And District Narayanpur Chhattisgarh (Owner)

3 - Branch Manager United India Insurance Company Limited, Upper Side Of Union Bank, Tikarapara, Chowk, Bastar Road, Dhamtari District Dhamtari Chhattisgarh (Insurer)

--- **Respondent(s)**

For Appellants	:	Mr. Praveen Dhurandhar, Advocate
For Respondents No.1 & 2	:	Mr. Shivank Mishra, Advocate
For Respondent No.3	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(27.10.2026)

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 01.03.2025, passed in Claim Case No.53/2024 by learned Additional Motor Accident Claims Tribunal, Dhamtari (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.10,95,800/- as compensation for the death of Hemraj Sahu who was aged about 37 years and died in a road accident which took place on 01.04.2024.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side and has also awarded lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned Counsel appearing for Respondents No.1 & 2 submits that at the time of accident, the offending vehicle was insured with Respondent No.3, therefore, Respondents No.1 & 2 are not liable to pay any amount of compensation.

4. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and

proper and requires no interference.

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

6. In the case at hand, it is true that the learned Tribunal has taken the monthly income of the deceased to be Rs.7800/-, which ought to be Rs.10380/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh. Furthermore, in other conventional heads the Tribunal has granted only Rs.1,13,000 which ought to be 1,32,000/-, to that extent the impugned award needs to be modified.

7. 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. 7800/-	Rs. 10380 x 12 = 1,24,560/-
2.	Future prospect	(+)40% (i.e. Rs. 3,120) = 10,920/-	(+)40% (i.e. Rs. 49,824) = 1,74,384/-
3.	Deduction	(-) 1/2 (i.e. 5460) = 5,460/- Rs.	(-) 1/2 (i.e. 87192) = 87,192/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

		65,520/- per annum	
4.	Multiplier	(x) 15 = 9,82,800/-	(x) 15 = 13,07,880/-
5	Other conventional heads	Rs. 1,13,000/-	Rs. 1,32,000/- (18000+18000+96000)
	Total	**Rs. 10,95,800/-**	**Rs. 14,39,880/-**

8. In view of the aforesaid analysis, the amount of compensation of Rs.10,95,800/- awarded by the Claims Tribunal is enhanced to Rs.14,39,880/-. Hence, after deducting the amount of Rs.10,95,800/-, the appellants are held entitled for an additional amount of Rs.3,44,080/-. 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.

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

10. 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

-Shubham