CGHC010229362026 2026:CGHC:45289

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1338 of 2026

1 - Parmeshwar S/o Shri Fulsai Aged About 48 Years R/o Village Ghosa, Police Station Bhaiyathan District Surajpur (C.G.)

2 - Reshmi Bai W/o Shri Parmeshwar Aged About 45 Years R/o Village Ghosa, Police Station Bhaiyathan District Surajpur (C.G.)

3 - Mukesh Kumar S/o Shri Parmeshwar Aged About 14 Years (Minor) Through His Natural Guardian I.E. Mother Smt. Reshmi Bai, R/o Village Ghosa, Police Station Bhaiyathan District Surajpur (C.G.)

4 - Ankita D/o Shri Parmeshwar Aged About 3 Years (Minor) Through The Natural Guardian i.e. Mother Smt. Reshmi Bai, R/o Village Ghosa, Police Station Bhaiyathan District Surajpur (C.G.)

... Appellants

versus

1 - The Branch Manager, Bajaj Alliance General Insurance Company, Branch Office, Second Floor, Shivmohan Bhawan, Vidhansabha Road, Pandari, Raipur, District Raipur (C.G.) (**Insurer** Of Offending Vehicle Truck No. CG216A1681)

2 - Ranjeet Singh S/o Late Ran Singh Aged About 60 Years Caste Gond, R/o Village Chainpur, Ward No. 01, Police Station Manendragarh, District Manendragarh-Chirmiri-Bharatpur (C.G.) (**Driver** Of Offending Vehicle Truck No. CG216A1681)

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3 - Mohammad Irfan S/o Late Hazi Mohammad Aged About 71 Years R/o Ward No. 18, Manendragarh, Police Station- Manendragarh, District Manendragarh-Chirmiri-Bharatpur (C.G.) (**Owner** Of Offending Vehicle Truck No. CG216A1681)

... Respondents

For Appellants	:	Mr. Utkarsha Patel, Advocate
For Respondent No. 1	:	Mr. Prashant Sahu, Advocate
For Respondent Nos. 2 & 3	:	Mr. Amit Kumar Sahu, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(27.10.2026)

1. With the consent of the parties, the appeal is heard finally.

2. 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 02.05.2026, passed in Motor Accident Claim Case No.14/2025, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,83,508/- as compensation for the death of Late Rakesh Kumar @ Rajkumar, who died in a road accident which took place on 21.10.2024.

3. Learned counsel for the appellants submits that the learned Claims Tribunal has committed error of law in assessing the monthly income of the deceased. The deceased at the relevant time was Mason and earning Rs.20,000/- per month, however, the learned Tribunal only assessed the monthly income of the deceased at Rs.8,965/- for unskilled labour, which is not justified. Therefore, the impugned award needs to be enhanced suitably.

4. On the other hand, learned counsel appearing for respective respondents opposing the argument advanced by learned counsel

for the appellants submits that the learned Tribunal, after appreciating oral and documentary evidence, has rightly passed the impugned award and has rightly awarded amount under the conventional heads, which needs no interference by this Court.

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 present case, the appellants/claimants pleaded before the Claims Tribunal that the deceased Rakesh Kumar @ Raj Kumar was Mason by profession and earning Rs.20,000/- per month. However, no cogent and reliable evidence was adduced by the appellants/claimants to substantiate this claim. The learned Tribunal has indeed taken the monthly income of the deceased at Rs.8,965/-. Considering the deceased as unskilled labourer at the time of accident i.e. 21.10.2024, it would be proper to take his monthly income at Rs.10,428/- 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.

7. The learned claims Tribunal, considering the nature of job of deceased (self employed) at the time of accident 21.10.2024, the fact that he was unmarried aged 21 years, and number of dependents (04), has rightly taken future prospect of 40%, deducted 1/2 towards personal expenses and applied multiplier of 18 respectively, along with Rs.18,000/- towards loss of estate, Rs.18,000/- towards funeral expenses, Rs.1,92,000/- (48,000x4) towards filial consortium, which, in the facts and circumstances of the case, is just and proper & calls for no interference.

8. 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. 8965x12 = Rs.1,07,580/-	Rs.10,428x12 = Rs.1,25,136/-
2.	Future prospect	(+)40% (i.e. Rs.43,032) = Rs.1,50,612/-	(+)40% (i.e. Rs. Rs.50,054/-) = Rs.1,75,190/-
3.	Deduction	(-) 1/2 (i.e. Rs.75,306/-) = Rs.75,306/-/-	(-) 1/2 (i.e. Rs.87,595/-) = Rs.87,595/-/-
4.	Multiplier	(x) 18 = Rs 13,55,508/-	(x) 18 = Rs.15,76,710/-
5	Towards Loss of consortium to all 03 claimants	(Rs.48,000 x 4) Rs.1,92,000/-	Rs. 48,000 x 4 = Rs.1,92,000/-
6.	Towards Loss of Estate	Rs.18,000/-	Rs.18,000/-
7.	Towards funeral expenses	Rs.18,000/-	Rs.18,000/-
	Total	**Rs.15,83,508/-**	**Rs.18,04,710/-**

9. In view of the aforesaid analysis, the amount of compensation of Rs.15,83,508/- awarded by the Claims Tribunal is enhanced to Rs.18,04,710/-. Hence, after deducting the amount of Rs.15,83,508/-, the appellants are held entitled for an additional

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

amount of **Rs.2,21,202/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

11. 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

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