CGHC010261512025 2026:CGHC:46653

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1364 of 2025

1 - Rita Saraf Wd/ Late Basant Saraf Aged About 62 Years R/o Village Nayapara Konda Gali Gandhi Chowk Balodabazar, Police Station City Kotwali Balodabazar, District - Balodabazar- Bhatapara (C.G.)

2 - Vikas Saraf S/o Late Basant Saraf Aged About 42 Years R/o Village Nayapara Konda Gali Gandhi Chowk Balodabazar, Police Station City Kotwali Balodabazar, District - Balodabazar- Bhatapara (C.G.)

3 - Vivek Saraf S/o Late Basant Saraf Aged About 40 Years R/o Village Nayapara Konda Gali Gandhi Chowk Balodabazar, Police Station City Kotwali Balodabazar, District - Balodabazar- Bhatapara (C.G.)

4 - Shivam Saraf S/o Late Basant Saraf Aged About 30 Years R/o Village Nayapara Konda Gali Gandhi Chowk Balodabazar, Police Station City Kotwali Balodabazar, District - Balodabazar- Bhatapara (C.G.)

... Appellants

versus

1 - Harish Kumar Dewangan S/o Chhabiram Dewangan Aged About 46 Years R/o Village Mahatma Gandhi Ward Dhamtari, Police Station City Kotwali Dhamtari, District - Dhamatari (C.G.) (Driver And Owner Of Offending Vehicle Motorcycle Bearing Registration No. C.G. - 05-U-6341

... Respondents

For Appellants/Claimants : Mr. S.P. Sahu, Advocate.
For Respondent : Mr. Anand Kesharwani, Advocate.

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Date: 2026.11.04 16:36:51 +0530

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(04.11.2026)

1. Heard on I.A. No. 01/2025, application for condonation of delay in filing the appeal.

2. This is a claimants' appeal for enhancement. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2025 is allowed. Delay of 236 days in filing the appeal is condoned.

3. Also heard on admission.

4. Admit.

5. With the consent of both the parties, the matter was heard finally.

6. 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 29.07.2024, passed in Claim Case No.79/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.9,49,426/- as compensation for the death of Late Basant Saraf (66 years old), who died in a road accident which took place on 04.09.2021.

7. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.8,000/- per month, whereas the minimum wages were Rs. 9,200/- per month on the date of the accident i.e. 04.09.2021; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

8. Learned counsel for respondent supported the impugned award.

9. I have heard learned counsel for the parties and went through the records with utmost circumspection.

10. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 8,000/-. Further, though there are four claimants, only considering the wife of the deceased as dependent on the deceased, a 1/2nd deduction was rightly made for personal and living expenses and considering the age of the deceased as 66 years (as per postmortem report Ex.A-10), future prospects would rightly not be added to the income of the deceased as per law. According to the claimants, the deceased was aged about 66 years and was involved in the business of silver and gold, and he had also a shop of gold and silver ornaments; he used to earn Rs. 55,000/- per month from his work, but no documents have been produced in support of this fact; hence, it would be proper to take his monthly income of Rs.9,200/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Furthermore, in other conventional heads, the Tribunal has granted only Rs.70,000/- (funeral expenses Rs. 15,000/-, loss of estate Rs. 15,000/- and Rs. 40,000/- towards consortium to only one claimant i.e., the wife of the deceased), which ought to be Rs.2,09,000/-, as all the Legal heirs are entitled to get compensation towards consortium with increment of 10% as per law. To that extent, the impugned award needs to be modified.

11. 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

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

compensation as below:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1.	Medical expenses	Rs. 6,39,426/-	Rs. 6,39,426/-
2.	Income	Rs. 8,000 x 12 = 96,000/-	Rs. 9,200 x 12 = 1,10,400/-
3.	Deduction	(-) 1/2 (i.e. Rs. 48,000) = 48,000/-	(-) 1/2 (i.e. Rs. 55,200) = 55,200/-
4.	Multiplier	(x) 5 = 2,40,000/-	(x) 5 = 2,76,000/-
5.	Other conventional heads	Rs. 70,000/- [15,000+15,000+40,000]	Rs. 2,09,000/- [16,500+16,500+(44,000x4)]
	Total	**Rs. 9,49,426/-**	**Rs. 11,24,426/-**

12. In view of the aforesaid analysis, the amount of compensation of Rs.9,49,426/- awarded by the Claims Tribunal is enhanced to Rs.11,24,426/-. Hence, after deducting the amount of Rs.9,49,426/-, the appellants/claimants are held entitled for an additional amount of **Rs.1,75,000/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the appeal before this Court i.e. 23.06.2025 till its realization. Rest of the conditions of the impugned award shall remain intact.

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

14. 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

H.L. Sahu