BHOLA NATH KHATAI
Digitally signed by BHOLA NATH KHATAI
Date: 2026.11.03 16:42:05 +0530

CGHC010270242025 2026:CGHC:46179

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1393 of 2025

1 - Neelkanth Singh S/o Amarsai Aged About 44 Years R/o Village Tengni, Police Station Patna, District Koriya C.G. (Father Of Deceased Chaman Kumar Singh) (Claimant No. 1)

2 - Kusum Devi W/o Neelkanth Singh Aged About 38 Years R/o Village Tengni, Police Station Patna, District Koriya C.G. (Mother Of Deceased Chaman Kumar Singh) (Claimant No. 2)

... Appellant(s)

versus

1 - Krishna Kumar Singh S/o Pratap Singh Aged About 33 Years R/o Village Patelpara Tengni, Police Station Patna, Tehsil Baikunthpur, District Koriya (C.G.) (Driver Of Offending Tractor Vehicle No. C.G. 29-A F/0481)

2 - Dheersai S/o Pancham Singh Aged About 50 Years R/o Sawarava Baijnathpur Police Station Bhaiyathan, District Surajpur C.G. (Owner Of Offending Tractor Vehicle No. C.G. 29-A F/0481)

3 - Megma H D I General Insurance Company Limited, Through Branch Manager Office No. 501, 509-512 Floor DB City Corporate Park Plot No.01 Block No.9 Rajuband Ground Raipur C.G. (Insurer Of Offending Tractor Vehicle No. C.G. 29-A F/0481)

... Respondent(s)

For Appellant(s)	:	Ms. Sweksha Sharma, Advocate
For Respondent No.3	:	Mr. Sangeet Kumar Kushwaha, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(02.11.2026)

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

2. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded by the Claims Tribunal.

3. Upon due consideration, I.A. No.01/2025 is allowed and the delay of 3 days in filing the appeal stands condoned.

4. Heard on admission.

5. Admit.

6. With the consent of learned counsel appearing for the appellants and the Insurance Company, the matter is heard finally.

7. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 19.03.2025, passed by the Additional Motor Accident Claims Tribunal, Baikunthpur, District Koirya (CG), in Claim Case No.89/2023, whereby the Claims Tribunal has awarded a total sum of Rs.12,12,000/- as compensation for the death of Chaman Kumar Singh, who died in a road accident that took place on 31.07.2023.

8. Learned counsel appearing for the appellants/claimants submits that the Tribunal has committed a manifest error in

assessing the monthly income of the deceased at Rs.10,000/-. It is contended that the deceased was a meritorious student pursuing the first year of the Bachelor of Science (B.Sc.) course and had a bright academic future with prospects of securing a good employment and earning a substantial income. Learned counsel further submits that the Tribunal has erred in not granting any addition towards future prospects while computing the compensation, particularly when the deceased had considerable potential to earn a much higher income in future but for the unfortunate accident. Accordingly, he prays that the appeal may be allowed and the compensation awarded by the Tribunal be suitably enhanced in accordance with law.

9. On the other hand, learned counsel appearing for respondent No.3 Insurance Company opposes the submission made by the counsel for appellants and submits that in the facts and circumstances of the case, the compensation awarded by the Tribunal is just & proper and does not require any enhancement.

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

11. The claimants have brought on record Ex. P-5, the certificate-cum-marksheet of Class X, Ex. P-6, the mark sheet of Class XII, and Ex. P-7, the admit card of the deceased for the first year of the B.Sc. course at Naveen College, Patna, District Koriya. These documents indicate that the deceased was a meritorious student who had secured good marks in his academic examinations. Claimant Nilkanth Singh (AW-1) has also deposed that the deceased was a meritorious student and had the potential to secure a good job in future. It is also

pertinent to note that the accident occurred on 31.07.2023, when even the minimum wages payable to a skilled labourer were Rs.11,390/- per month.

12. Having regard to the aforesaid documentary and oral evidence, the educational qualifications and academic pursuits of the deceased, as well as the principles laid down by the Hon'ble Supreme Court in **Sebati Nath & Ors. v. Shriram General Insurance Company Ltd.**[1] and **Meena Pawaia & Ors. v. Ashraf Ali & Ors.**[2]**,** this Court is of the considered opinion that the monthly income of the deceased, as assessed by the Tribunal, deserves to be enhanced and reasonably determined at Rs.13,000/-. Accordingly, the monthly income of the deceased is reassessed at Rs.13,000/- for the purpose of computation of compensation.

13. On the date of the accident, the deceased was aged about 17–18 years and was unmarried. There are two claimants in the present case, who are the parents of the deceased.

14. Considering the date of the accident, the age of the deceased and the number of claimants, this Court finds that the deduction towards personal expenses, the multiplier applied and the amounts granted under conventional heads by the Tribunal are just, proper and in accordance with law. However, the Tribunal has failed to make any addition towards future prospects while computing the compensation. In view of the law laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. v. Pranay Sethi and Others, (2017) 16 SCC 680**, the claimants are entitled to an addition of 40% towards future prospects.

15. Thus, in view of the aforesaid discussion and the judgments of

---

1 (2025) SCC Online SC 3468

2 (2021) 17 SCC 148

the Hon'ble Supreme Court in **National Insurance Company Ltd. V. Pranay Sethi**[3], **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[4] **and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[5], the compensation is recomputed as under:-

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	10,000x12=1,20,000	13,000 x12 =1,56,000
2.	Future prospects	Nil	(+)40% (i.e.62,400) =2,18,400
3.	Deduction	(-) 1/2 = 60,000	(-)1/2 = 1,09,200
4.	Multiplier	(x) 18 =10,80,000	(x) 18 = 19,65,600
5.	Funeral Expenses	18,000	18,000
6.	Loss of Estate	18,000	18,000
7.	Loss of consortium	96,000 (48,000 x 2)	96,000 (48,000 x 2)
	Total	**Rs. 12,12,000/-**	**Rs. 20,97,600/-**

16. In view of the aforesaid analysis, the compensation of Rs.12,12,000/- awarded by the Claims Tribunal is hereby enhanced to Rs.20,97,600/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants are held entitled to an additional amount of **Rs.8,85,600/-**. The aforesaid additional/enhanced 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.

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

3 (2017) 16 SCC 680
4 (2009) 6 SCC 121
5 (2018) 18 SCC 130

above.

18. The Registry is directed to communicate the claimants in writing "the enhanced/additional 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 reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai