CGHC010275862023 2026:CGHC:46995

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1486 of 2023

1 - Smt. Santoshi Dewangan W/o Late Horilal Dewangan Aged About 45 Years R/o Village Ranigaon, P.S. Ratanpur, District Bilaspur Chhattisgarh.

2 - Smt. Kiran Dewangan, W/o Late Mohan Dewangan Aged About 19 Years R/o Ranigaon, P.S. Ratanpur, District Bilaspur Chhattisgarh.

PRASHANT DEWANGAN

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... Appellants

versus

1 - Anil Kumar Satnami S/o Rajesh Kumar, Aged About 27 Years R/o Village Sendari, P.S. Koni, District Bilaspur Chhattigsarh. (Driver Of Vehicle Car Bearing Registration No. C.G. 10, N. 3583)

2 - Rajkumar Sahu S/o Shri Manjhiram Sahu, Aged About 36 Years R/o Naya Basti, Mannadol, Tifra, P.S. Civil Line, District Bilaspur Chhattisgarh. (Owner Of Vehicle Car Bearing Registration No. C.G. 10, N. 3583)

3 - United India Insurance Company Limited, Through Its Branch Manager, Address First Floor, Infront Of Rajeev Plaza, P.S. Tarbahar, Gurukripa Tower, Second Floor, District Bilaspur Chhattisgarh. (Insurance Company Of Vehicle Car Bearing Registration No. C.G. 10, N. 3583)

... Respondent(s)

For Appellants	:	Ms. Pragya Pandey, Advocate
For Respondent No.3	:	Mr. Raj Awasthi, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(05/11/2026)

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 11/04/2023, passed in Claim Case No. 268/22, whereby the learned Claims Tribunal has awarded a total sum of Rs.19,84,880/- as compensation for the death of Mohan Dewangan, who died in a road accident which took place on 15/01/2022.

2. Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding inadequate compensation, having regard to the facts and circumstances of the case. It is contended that the learned Claims Tribunal has wrongly assessed the monthly income of the deceased at Rs. 9,300/-, whereas the deceased was a skilled driver and was also engaged in part-time employment at Amigos Bar, Agrasen Chowk, earning a monthly income of Rs. 25,000/-. She further submits that the compensation awarded under the conventional heads is also on the lower side. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

3. 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.

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

5. The learned Claims Tribunal has rightly assessed the monthly income of the deceased at Rs. 9,300/-, which appears to be just and proper, as there is no cogent evidence on record to establish that the deceased was employed as a driver. Further, no driving license of the deceased was produced before the

Tribunal. In the absence of any such evidence, the learned Claims Tribunal has rightly treated the deceased as an unskilled worker on the date of the accident and assessed his monthly income accordingly. The assessment of income, therefore, calls for no interference.

6. Further, the learned Claims Tribunal, considering that the deceased was married and aged about 24 years at the time of the accident and having regard to the number of claimants (2), added 40% towards future prospects to the income of the deceased, deducted one-third (1/3) of the income towards the personal and living expenses of the deceased and applied multiplier of 18, which is found to be just and proper.

7. However, under the conventional heads, the learned Tribunal has awarded only Rs. 1,10,000/- (Rs. 40,000/- × 2 + Rs. 15,000/- + Rs. 15,000/-). Since the accident occurred on 15.01.2022, the claimants are entitled to a 10% enhancement under the conventional heads, in accordance with law. Accordingly, the amount payable under the said heads is enhanced to Rs. 1,21,000/- (Rs. 44,000/- × 2 + Rs. 16,500/- + Rs. 16,500/-). To that extent, the impugned award warrants modification by enhancing the compensation under the conventional heads.

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.	**Heads**	**Compensation**	**Compensation**

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

No.		**awarded by the Tribunal**	**awarded by this Court**
1	Income	Rs. 9,300/- x 12=1,11,600/-	Rs. 9,300 x 12 = 1,11,600/-
2.	Future prospect	(+)40% (i.e. Rs. 44,640) = 1,56,240/-	(+)40% (i.e. Rs. 44,640) = 1,56,240/-
3.	Deduction	(-) 1/3 (i.e. 52,080) = 1,04,160/-	(-) 1/3 (i.e. 52,080) = 1,04,160/-
4.	Multiplier	(x) 18 = 18,74,880/-	(x) 18 = 18,74,880/-
5	Other conventional heads	Rs. 1,10,000/- (40,000 x 2 +15,000+15,000)	Rs. 1,21,000/- (44,000 x 2+ 16,500+16,500)
	Total	**Rs. 19,84,880/-**	**Rs. 19,95,880/-**

9. In view of the aforesaid analysis, the amount of compensation of Rs.19,84,880/- awarded by the Claims Tribunal is enhanced to Rs.19,95,880/-. Hence, after deducting the amount of Rs. 19,84,880/-, the appellants are held entitled for an additional amount of Rs.**11,000**/-. The additional amount of compensation shall carry interest @ 6% per annum from the date of the filing of the claim application before the 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

Prashant