CGHC010310182025 2026:CGHC:46468

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 1563 of 2025

1 - Smt. Ambika Barik W/o Late Satpathi Barik Aged About 50 Years.

2 - Manvi Barik D/o Late Satpathi Barik Aged About 12 Years. Minor Through Natural Guardian Mother Smt. Ambika Barik (Appellant No. 1).

3 - Ritesh Barik S/o Late Satpathi Barik Aged About 20 Years.

All are R/o Ward No. 09, Jhilmila Saraipali, Police Station Saraipali, District Mahasamund C.G.

...Appellants

versus

1 - Jagdish Sahu S/o Parmanand Sahu R/o Village Nunpani, Police Station And Tahsil Saraipali, District Mahasamund C.G. (Driver)

2 - Ishwar S/o Ganesh Ram R/o Village Bendari, Post Bichhiya, Police Station Saraipali, District Mahasamund C.G. (Owner)

3 - Universal Sompo General Insurance Company Limited, Through The Manager, Address- First Floor, Ashoka Milenium Building Ring Road No. 01, Rajendra Nagar, Raipur District Raipur C.G. (Insurer).

... Respondents

(Cause-title is taken from CIS)

For Appellants	:	Ms. Prachi Singh, Advocate
For Respondent No.1.	:	Mr. Sudhir Sahu, Advocate.
For Respondent No.2	:	Mr. Kunal Das, Advocate
For Respondent No.3	:	Ms. Manshi Bundey, Advocate on behalf of Mr. Saurabh Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

03.11.2026

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 amount of compensation, challenging the impugned award dated 28.04.2024, passed in Claim Case No.09/2024, whereby the learned Claims Tribunal has awarded a total sum of Rs.9,22,288/- as compensation for the death of Late Satpathi Barik, who died on 02.01.2024 in a road accident which took place on 20.12.2023.

2. Learned counsel for the appellants submits that the impugned award passed by learned Tribunal is on lower side and, therefore, liable to modified suitably. She further submits that on the date of accident, deceased was earning Rs.15,000/- per month by doing catering work, but learned Tribunal assessed his income only Rs.7,410/- per month, which is not justified. Under the conventional heads also, the learned Tribunal has awarded very meager compensation, which needs to be enhanced suitably.

3. Learned counsel for the respective respondents supporting the impugned award and would submit that the learned Tribunal, after appreciating oral and documentary evidence, has rightly passed the impugned award, which does not call for any interference by this Court.

4. Heard learned counsel for the appellants as well as learned counsel for the respective respondents, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In the present case, the appellants/claimants pleaded before the Claims Tribunal that on the date of accident, deceased was earning Rs.15,000/- per month by doing catering work, but learned Tribunal assessed his income only Rs.7,410/- per month. As regards the occupation and monthly income of the deceased, the claimants did not produce any credible evidence which could establish that the deceased was earning Rs.15,000/- per month by doing catering work. Considering that the accident took place on 20.12.2023 and deceased left behind 03 dependents, it would proper to take his monthly income at Rs.10,100/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour.

6. The learned Claims Tribunal, considering the date of accident, nature of work/job of deceased, his age (53 years) and number of dependents (03), has rightly taken future prospect of 10%, deducted 1/3rd towards personal expenses and applied multiplier of 11 respectively.

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:-

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1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs.7,410/-	Rs.10,100 x 12 = 1,21,200/-
2.	Future prospect	(+) 10%	(+) 10% (i.e. Rs.12,120) = 1,33,320/-
3.	Deduction	(-) 1/3	(-) 1/3 (i.e.44,440) = 88,880/-
4.	Multiplier	(x) 11	(x) 11 = 9,77,680/-
5.	For attendant and special diet	Rs.25,000/-	Rs.25,000/-
6.	Towards Loss of consortium.	Rs.1,44,000/- (Rs.48,000 X 3)	Rs.1, 44,000 (Rs.48,000 X 3)
6.	Towards funeral expenses and loss of Estate	Rs.36,000/- (18,000 + 18000)	Rs.36,000/- (18,000 + 18000)
	Total	**Rs.9,22,288/-**	**Rs.11,82,680/-**

8. In view of the aforesaid analysis, the amount of compensation of Rs.9,22,288/- awarded by the Claims Tribunal is enhanced to Rs.11,82,680/-. Hence, after deducting the amount of Rs.9,22,288/-, the appellants are held entitled for an additional amount of Rs.2,60,392/-. 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.

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

J.