CGHC010330582025 2026:CGHC:46205

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1665 of 2025

1 - Ashok Jaiswal S/o Shri Umashankar Jaiswal Aged About 49 Years R/o Rautpara Ward No. 11, Bijapur, District Bijapur C.G.

2 - Smt. Neelam Jaiswal W/o Shri Ashok Jaiswal Aged About 46 Years R/o Rautpara Ward No.11, Bijapur, District Bijapur C.G.

BHOLA NATH KHATAI Digitally signed by BHOLA NATH KHATAI Date: 2026.11.03 10:19:14 +05:30

... Appellant(s)

versus

1 - Meraj S/o Nasir Aged About 31 Years R/o Village Kanesta, Rangauli, District Pratapgarh (U.P.) Through Owner Smt. Renu Malviya W/o Shri Manoj Kumar Malviya, Aged 27 Years R/o Mainroad Bus Stand Dantewada, District Dantewada C.G. (Driver)

2 - Smt. Renu Malviya W/o Shri Manoj Kumar Malviya Aged About 27 Years R/o Mainroad Bus Stand Dantewada, District Dantewada C.G. (Owner)

3 - The Oriental Insurance Company Limited, Through Branch Manager, Branch Office, Hotel Laxman Avenue, Jagdalpur, District Bastar C.G.) (Insurer)

... Respondent(s)

For Appellant(s)	**:**	Mr. Shikhar Shukla, Advocate
For Respondent No.3	**:**	Mr. Azad Siddiqui, Advocate

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 104 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 07.01.2025, passed by the First Additional Motor Accident Claims Tribunal, District Bastar (CG), in Claim Case No.77/2022, whereby the Claims Tribunal has awarded a total sum of Rs.14,92,800/- as compensation for the death of Avinash Jaiswal, who died in a road accident that took place on 16.11.2021.

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.9,000/-, which, according to him, is even lower than the minimum wages payable to an unskilled labourer at the relevant time. Hence, he prays that the instant appeal may kindly 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 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 accident occurred on 16.11.2021 and the minimum wages of even an unskilled labourer at that time was Rs.9,280/-. Accordingly, the monthly income of the deceased is reassessed at Rs.9,280/-.

12. On the date of the accident, the deceased was aged about 20 years, unmarried and a non-salaried person. There are two claimants in the present case, who are the parents of the deceased.

13. Considering the date of the accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, 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.

14. Thus, in view of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **National Insurance Company Ltd. V. Pranay Sethi**[1]**, Sarla Verma &**

1 (2017) 16 SCC 680

Ors. Vs. Delhi Transport Corporation & Ors[2] and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors[3], the compensation is recomputed as under:-

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	9,000x12=1,08,000	9,280 x12 =1,11,360
2.	Future prospects	(+)40% (i.e.43200) =1,51,200	(+)40% (i.e.44,544) =1,55,904
3.	Deduction	(-) 1/2 = 75,600	(-)1/2 = 77,952
4.	Multiplier	(x) 18 =13,60,800	(x) 18 = 14,03,136
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. 14,92,800/-**	**Rs. 15,35,136/-**

15. In view of the aforesaid analysis, the compensation of Rs.14,92,800/- awarded by the Claims Tribunal is hereby enhanced to Rs.15,35,136/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellants/claimants are held entitled to an additional amount of **Rs.42,336/-**. 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.

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

17. The Registry is directed to communicate the claimants in writing "the enhanced/additional amount" in this appeal as

2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

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