BHOLA NATH KHATAI
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CGHC010361322024 2026:CGHC:45287

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2042 of 2024

Deepak Kumar Dandsena S/o Late Gajendra Dandsena Aged About 23 Years Resident- Village Tarbod, Post Tarbod Dist- Nuapada Odisha, Pin 766105 Present Address- By Shri Niranjan B C Village- Daundekala, Police Station- Vidhan Sabha, Dist- Raipur (C.G.)

... Appellant(s)

versus

1 - Bhimraj Patel S/o Shri Ramadhar Patel Aged About 40 Years R/o Of Padampur Dist- Nuapada Odisha, Pin Code- 766101 (Driver Of Vehicle No.OD 26 B 3611)

2 - Ranbir Singh Khanuja S/o Shri Kulwant Singh Khanuja R/o Gurunanak Chowk Ward No.2, Post And Police Station - Khariar District- Nuapada Odisha Pin Code- 766107 (Owner Of Vehicle No.OD 26 B 3611)

3 - The New India Assurance Company Limited Through The Divisional Manager Address- The New India Assurance Company Limited , Divisional Office-1 First Floor, Tank Business Tower, Above Karnataka Bank, Fafadeeh Chowk, Tehsil And District- Raipur Chhattisgarh Pin Code- 492009 Insurer Of Vehicle No. OD 26 B 3611

... Respondent(s)

For Appellant(s)	**:**	Mr. Palash Agrawal, Advocate &

Ms. Gunjan Rani Agrawal, Advocate

For Respondent No.3 : Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(27.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 03.07.2024, passed by the 14th Additional Motor Accident Claims Tribunal, Raipur (CG), in Claim Case No.156/2021, whereby the Claims Tribunal has awarded a total sum of Rs.8,64,000/- as compensation for the death of Sudeshna Dandsena, who died in a motor vehicle accident that took place on 18.01.2020.

2. Learned counsel appearing for the appellant/claimant submits that the Tribunal has committed a manifest error in assessing the monthly income of the deceased at Rs.8,000/-, 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.

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

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

records with utmost circumspection.

5. The accident occurred on 18.01.2020 and the minimum wages of even an unskilled labourer at that time was Rs.8,600/-. Accordingly, the monthly income of the deceased is reassessed at Rs.8,600/-.

6. On the date of accident, the deceased was aged about 50 years and a non-salaried person. There is only one claimant who is the son of the deceased.

7. Considering the date of the accident, the age of the deceased and the number of claimant, this Court finds that the addition towards future prospects, the deduction towards personal expenses, the multiplier applied and the amount granted under conventional heads by the Tribunal are just, proper and in accordance with law.

8. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **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]**, the compensation is recomputed as under:-

Sl. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	8,000x12 =96,200	8,600 x12 =1,03,200
2.	Future prospects	(+)25% (i.e.24,000) = 1,20,000	(+)25% (i.e.25,800) = 1,29,000
3.	Deduction	(-) 1/2 = 60,000	(-)1/2 = 64,500
4.	Multiplier	(x) 13 = 7,80,000	(x) 13 = 8,38,500
5.	Funeral	18,000	18,000

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

	Expenses		
6.	Loss of Estate	18,000	18,000
7.	Loss of consortium	48,000	48,000
	Total	**Rs.8,64,000/-**	**Rs. 9,22,500/-**

9. In view of the aforesaid analysis, the compensation of Rs.8,64,000/- awarded by the Claims Tribunal is hereby enhanced to Rs.9,22,500/-. Consequently, after adjusting the amount already awarded by the Tribunal, the appellant/claimant shall be entitled to an additional amount of **Rs.58,500/-**. 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.

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

11. The Registry is directed to communicate the claimant 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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai