Digitally signed
by HEERA LAL
SAHU
Date: 2026.10.30
14:41:22 +0530

CGHC010376232023 2026:CGHC:45587

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1858 of 2023

1 - Rajendra Kumar Markam S/o Ajab Singh Markam Aged About 52 Years R/o Village Amgaon, Post Office- Ghurawad, Tahsil- Nagari, Ps- Sihawa,, District : Dhamtari, Chhattisgarh

2 - Sukhbai Markam W/o Rajendra Kumar Markam Aged About 50 Years R/o Village Amgaon, Post Office- Ghurawad, Tahsil- Nagari, Ps- Sihawa,, District : Dhamtari, Chhattisgarh

3 - Janendra Markam S/o Rajendra Kumar Markam Aged About 22 Years R/o Village Amgaon, Post Office- Ghurawad, Tahsil- Nagari, Ps- Sihawa,, District : Dhamtari, Chhattisgarh

4 - Smt. Tulsi Bai W/o Sukhram Vatti Aged About 28 Years D/o Rajendra Markam R/o Village- Mudarapara, Tahsil And Police Station- Vishrampuri,, District : Kondagaon, Chhattisgarh

... Appellants

versus

1 - Jageshwar Netam S/o Jain Netam Aged About 27 Years R/o Village Amgaon, Post Office- Ghurawad, Tahsil- Nagari, Ps- Sihawa, (Driver Of Offending Vehicle Tractor Registration No. CG- 05/AK-0911), District : Dhamtari, Chhattisgarh

2 - Bhikhari Ram S/o Bhanwar Singh Aged About 52 Years R/o Village Amgaon, Post Office- Ghurawad, Tahsil- Nagari, Ps- Sihawa, (Owner Of Offending Vehicle Tractor Registration No. CG- 05/AK-0911), District : Dhamtari, Chhattisgarh

3 - Megma H.D.I General Insurance Company Limited Branch Office, Through- Branch Manager, Second Floor, Upper Side Of Allahabad Bank, Infront Of Ratnabandha Rest House, Durg Road, (Insurer Of

Offending Vehicle Tractor Registration No. CG- 05/AK- 0911), District : Dhamtari, Chhattisgarh

... Respondents

For Appellants/Claimants : Ms. Gunja Taram, Advocate.
For Respondents No. 1 & 2 : None.
For Respondent No. 3 : Mr. Prashant Sahu, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(28.10.2026)

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 09.08.2023, passed in Claim Case No.208/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.11,54,020/- as compensation for the death of Late Gyaneshwar Dhruv (26 years old), who died in a road accident which took place on 05.01.2021.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.7,150/- per month, whereas the minimum wages were Rs. 8,960/- per month on the date of the accident i.e. 05.01.2021; therefore, the income of the deceased should be considered on the higher side. The Tribunal has also erred in not awarding any compensation to appellants No. 3 and 4, who are siblings of the deceased, for loss of love and affection, since they are siblings of the deceased, they are also entitled to the said compensation. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for respondent No. 3/insurance company supported the impugned award.

4. I have heard learned counsel for the parties and went through the records with utmost circumspection.

5. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 7,150/-. According to the claimants, the deceased was aged about 26 years, unmarried and was working as a mason; he used to earn Rs. 500/- per day from his work, but no documents have been produced in support of this fact, hence, it would proper to take his monthly income of Rs.8,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour. Furthermore, in other conventional heads the Tribunal has granted only Rs.1,33,000/- which ought to be Rs.2,09,000/-, to that extent the impugned award needs to be modified.

6. 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. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	Rs. 7,150 x 12 = 85,800/-	Rs. 8,960 x 12 = 1,07,520/-
2.	Future prospect	(+)40% (i.e. Rs. 34,320) = 1,20,120/-	(+)40% (i.e. Rs. 43,008) = 1,50,528/-
3.	Deduction	(-) 1/2 (i.e. Rs.	(-) 1/2 (i.e. Rs.

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

		60,060) = 60,060/-	75,264) = 75,264 /-
4.	Multiplier	(x) 17 = 10,21,020/-	(x) 17 = 12,79,488/-
5	Other conventional heads	Rs. 1,33,000/- [16,500+16,500+(50,000x2)]	Rs. 2,09,000/- [16,500+16,500+(44,000x4)]
	Total	**Rs. 11,54,020/-**	**Rs. 14,88,488/-**

7. In view of the aforesaid analysis, the amount of compensation of Rs.11,54,020/- awarded by the Claims Tribunal is enhanced to Rs.14,88,488/-. Hence, after deducting the amount of Rs.11,54,020/-, the appellants/claimants are held entitled for an additional amount of **Rs.3,34,468/-**. 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.

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

9. 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

H.L. Sahu