CGHC010406712023 2026:CGHC:45965

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2090 of 2023

1 - Neera Rai W/o Late Bhagwani Prasad Rai Aged About 46 Years.

2 - Ravi Rai S/o Late Bhagwani Prasad Rai Aged About 23 Years.

3 - Love Kumar Rai S/o Late Bhagwani Prasad Rai Aged About 26 Years.
All are resident of Village Barbaspur, P.S. And Tahsil Kawardha, District Kabirdham (C.G.)

... Appellants.

versus

1 - Kamal Singh Rajpoot S/o Late Mangal Singh Rajpoot Aged About 50 Years R/o Indira Colony, Near Durga Mandir, Near L.I.C. Office, P.S. Madan Mahal Jabalpur, District Jabalpur (M.P.) (Driver)

2 - M/s Kanker Rodways R/o Infront Of Gandhi Udyan, Civil Lines Raipur, District Raipur (C.G.) (Owner)

3 - Branch Manager / Divisional Manager New India Assurance Company Limited, Post Box No.35, First Floor Tank Business Tower, Top Of Karnataka Bank, Fafadih Chawk, Raipur, District Raipur (C.G.) (Insurer)

... Respondents

(Cause-title is taken from CIS)

For Appellants	:	Mr. Swapnil Thawani, Advocate on behalf of Mr. PR Patankar, Advocate
For Respondent No.2.	:	None.
For Respondent No.3	:	Mr. Azad Siddiqui, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

30.10.2026

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 amount of compensation, challenging the impugned award dated 24.03.2023, passed in Claim Case No.64/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.5,75,200/- as compensation for the death of Late Bhagwani Prasad Rai, who died in a road accident which took place on 28.07.2021.

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. He further submits that the deceased was a RMP Doctor and used to earn Rs.1,000/- per day and accordingly Rs.30,000/- per month, but learned Tribunal assessed his income only Rs.6,000/- per month, which is not justified. He further submits that the learned Tribunal has awarded a sum of Rs.40,000/- to each of the claimants towards loss of consortium, which is inadequate and not just and proper. Under the conventional heads also the learned Claims Tribunal has awarded meager compensation, which needs to be enhanced suitably.

3. Learned counsel for respondent No.3/insurance company supporting the impugned award submits that the learned Claims 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 respondent No.3, 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 the deceased was a RMP Doctor and used to earn Rs.1,000/- per day and accordingly Rs.30,000/- per month, but learned Tribunal assessed his income only Rs.6,000/- per month. As regards the monthly income of the deceased, the claimants did not produce any credible evidence which could establish that the deceased was a RMP Doctor and used to earn Rs.1,000/- per day. Considering that the accident took place on 28.07.2021 and deceased left behind 03 dependents, it would proper to take his monthly income as Rs.9,200/- 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 (58 years) and number of dependents (03), has rightly taken future prospect of 10%, deducted 1/3rd towards personal expenses and applied multiplier of 9 respectively alongwith Rs.30,000/- towards repairing of motorcycle. However, amount awarded towards loss of consortium, estate and funeral expenses, do not appear to be just and reasonable in the facts and circumstances of the case, which requires to be modified/enhanced suitably.

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:-

Sr. No.	**Heads**	**Compensation awarded by the Tribunal**	**Compensation awarded by this Court**
1	Income	Rs.6,000/-	Rs.9,200 x 12 = 1,10,400/-
2.	Future prospect	(+) 10%	(+) 10% (i.e. Rs.11,040) = 1,21,440/-
3.	Deduction	(-) 1/3	(-) 1/3 (i.e.40,480) = 80,960/-
4.	Multiplier	(x) 9	(x) 9 = 7,28,640/-
5	Towards Loss of consortium.	Rs. 1,20,000/- (Rs.40,000 X 3)	Rs. 44,000 x 3 = Rs. 1,32,000/- (Rs.44,000/- to each 3 claimants.)
6.	Towards Loss of Estate	Rs.15,000/-	Rs.16,500/-
7.	Towards funeral expenses	Rs.15,000/-	Rs.16,500/-
8.	For Motorcycle repairing	Rs.30,000/-	Rs.30,000/-
	Total	**Rs.5,75,200/-**	**Rs.9,23,640/-**

1(2017) 16 SCC 680

2(2009) 6 SCC 121

3(2018) 18 SCC 130

8. In view of the aforesaid analysis, the amount of compensation of Rs.5,75,200/- awarded by the Claims Tribunal is enhanced to Rs.9,23,640/-. Hence, after deducting the amount of Rs.5,75,200/-, the appellants are held entitled for an additional amount of Rs.3,48,440/-. 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.