CGHC010414302023 2026:CGHC:44519

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2091 of 2023

1 - Kalyani Rathore W/o Late Mukesh Rathore Aged About 37 Years R/o B.D. Mahant Upnagar Janjgir, Tehsil- Janjgir, Distt- Janjgir- Champa, CG

2 - Anushka Rathore D/o Late Mukesh Rathore Aged About 9 Years Minor Through Their Natural Guardian Mother Kalyani Rathore, W/o Mukesh Rathore R/o B.D. Mahant Upnagar Janjgir, Tehsil- Janjgir, Distt- Janjgir- Champa, CG

3 - Rudra Singh Rathore S/o Late Mukesh Rathore Aged About 7 Years Minor Through Their Natural Guardian Mother Kalyani Rathore, W/o Mukesh Rathore R/o B.D. Mahant Upnagar Janjgir, Tehsil- Janjgir, Distt- Janjgir- Champa, CG

4 - Meenabai W/o Laxman Prasad Rathore Aged About 67 Years R/o B.D. Mahant Upnagar Janjgir, Tehsil- Janjgir, Distt- Janjgir- Champa, CG

5 - Laxman Prasad Rathore S/o Late Sonsay Rathore Aged About 71 Years R/o B.D. Mahant Upnagar Janjgir, Tehsil- Janjgir, Distt- Janjgir- Champa, CG

... Appellants

versus

1 - Ram Manohar Sharma S/o Late Ramsharan Sharma Aged About 53 Years R/o Devnandan Nagar Phase- 2, Baima Nagoi Road, Bilapsur, Tehsil- Bilaspur, Distt- Bilaspur, (C.G.) Driver Of The Vehicle Bearing No. CG- 10-AD-8927

2 - Aruna Sharma W/o Ram Manohar Sharma Aged About 48 Years R/o Devnandan Nagar Phase-2, Baima Nagoi Road, Bilaspur, Tehsil- Bilaspur, Distt- Bilaspur, (C.G.) (Owner Of The Vehicle Bearing No. CG- 10-AD-8927)

3 - Tata A.I.G. General Insurance Co. Ltd Through Manager, T-8, 4th Floor Gwalior Chamber, Vyapar Vihar Mainraod, Bilaspur, Distt- Bilaspur, (C.G.) (Insurance Company Of The Vehicle Bearing No. CG- 10-AD-8927)

... Respondent(s)

For Appellants	:	Mr. Arpan Verma, Advocate
For Respondents No.1 and 2	:	None
For Respondent No.3	:	Mr. Saurabh Gupta, Advocate appears on behalf of Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(14/10/2026)

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 25/09/2023, passed in Claim Case No.13/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.14,41,934/- as compensation for the death of Mukesh Rathore, who died in a road accident which took place on 16/10/2022.

2. Learned counsel for the appellants submits that the learned Claims Tribunal erred in assessing the income of the deceased at Rs. 6,000/- per month. He further submits that the Accountant of Jay Bharat English Medium School, Janjgir, namely, Jitendra Kumar Paigwar, was examined as a witness, who proved the salary certificate (Ex. P/15) issued by the Principal of the said school. In support thereof, a certificate dated 19.07.2023 (Ex. P/19) was also issued by the Principal,

according to which the deceased was working as an Office Assistant and was drawing a monthly salary of Rs. 14,364/-. He further submits that the amounts awarded by the learned Claims Tribunal under the conventional heads of compensation are inadequate.

3. It is further contended that the learned Claims Tribunal awarded a sum of Rs. 4,19,934/- towards medical expenses. However, the accident occurred on 16.10.2022, and the deceased succumbed to the injuries on 04.11.2022 after remaining hospitalised for a period of 18 days. It is further submitted that no amount has been awarded towards special diet, transportation expenses, attendant charges, and pain and suffering endured by the deceased during the period of hospitalisation and treatment. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.

4. Learned counsel appearing for respondent No. 3/Insurance Company submits that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. He further submits that the Principal of the school was not examined as a witness, nor was any authorisation letter issued by the Principal in favour of Jitendra Kumar Paigwar produced on record. Furthermore, no bank statement was produced to substantiate the salary claimed by the appellants. Therefore, the salary certificate cannot be relied upon for the purpose of assessing

the income of the deceased. He further submits that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

6. The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 6,000/-. However, the documents marked as Ex. P/15 and Ex. P/19 indicate that the deceased was employed as an Assistant accountant in a private school affiliated with CBSE, Delhi, and contain relevant details regarding his salary. The accident occurred on 16.10.2022, and, as per the applicable minimum wages, the monthly wages for an unskilled worker were Rs. 9,960/-, whereas those for a skilled worker were Rs. 11,390/-. The cross-examination of Jitendra Kumar Paigwar, the Accountant of the school, does not reveal any material that would justify disbelieving the aforesaid certificates. Accordingly, this Court, finding the said documents reliable, assesses the monthly income of the deceased at Rs. 14,364/-.

7. Further, on the basis of the documents available on record, the learned Tribunal has held that the deceased was married aged about 41 years at the time of the accident. Having regard to the number of claimants (5), the Tribunal has added 25% towards future prospects, deducted 1/4th towards the personal and living expenses of the deceased, and applied the multiplier of

'14'. In the opinion of this Court, the aforesaid assessment is just and proper and does not warrant any interference.

8. The learned Claims Tribunal has awarded a sum of Rs. 77,000/- towards conventional head and Rs.4,19,934/- towards medical expenses. However, this Court is of the opinion that, the claimants are entitled to Rs. 2,53,000/- towards conventional heads and Rs. 4,50,000/- towards medical expenses, attendant charges, special diet, transportation expenses, pain and suffering by claimants during treatment etc. To this extent, the impugned award warrants modification.

9. 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/- x 12 =72,000/-	Rs. 14364 x 12 = 1,72,368/-
2.	Future prospect	(+)25% (i.e. Rs. 18,000) = 90,000/-	(+)25% (i.e. Rs. 43,092) = 2,15,460/-
3.	Deduction	(-) 1/4 (i.e. 22,500) = 67,500/-	(-) 1/4 (i.e. 53,865) = 1,61,595/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

4.	Multiplier	(x) 14 = 9,45,000/-	(x) 14 = 22,62,330/-
5.	Other conventional heads	Rs. 77,000/-	Rs. 2,53,000/- (16,500+16,500+44,000 x 5)
6.	Medical Expenses	Rs.4,19,934/-	Rs.4,50,000/-
	Total	**Rs. 14,41,934/-**	**Rs. 29,65,330/-**

10. In view of the aforesaid analysis, the amount of compensation of Rs.14,41,934 /- awarded by the Claims Tribunal is enhanced to Rs.29,65,330/-. Hence, after deducting the amount of Rs.14,41,934/-, the appellants are held entitled for an additional amount of Rs.**15,23,396**/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

12. 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

Prashant