CGHC010420132026 2026:CGHC:46928

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2410 of 2026

1 - Padmini Devi Kashyap W/o Late Sunil Kumar Kashyap Aged About 38 Years R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

2 - Hemlata Kashyap S/o Late Sunil Kumar Kashyap Aged About 19 Years R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

3 - Harish Kashyap S/o Late Sunil Kumar Kashyap, (Minor) Aged About 14 Years Minor Appellant No. 3 Through Legal Natural Guardian Mother Padmini Kashyap W/o Late Sunil Kumar Kashyap Aged About 38 Years, R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

4 - Shatruhan Kashyap S/o Balmukund Kashyap Aged About 63 Years R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

5 - Parmila Kashyap W/o Shatruhan Kashyap Aged About 62 Years R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

6 - Bhupendra Kashyap S/o Shatruhan Kashyap Aged About 37 Years R/o Village Kamrid, P.S. And Tahsil Champa, District Janjgir - Champa Chhattisgarh.

... Appellants

versus

1 - Deepak Kumar Sahu S/o Sohan Lal Sahu Aged About 32 Years R/o Kosmanda, P.S. And Tahsil Champa District Janjgir - Champa Chhattisgarh (Driver Of Offending Vehicle Tractor Bearing Registration No. C.G. 11b.D.-1800 And Trolley No. C.G. 11 A.W. 6304).

2 - Kalesh Ram Rathore S/o Gokul Prasad Rathore R/o Ward No. 15, Vyas Mohalla Kosmanda, P.S. And Tahsil Champa District Janjgir-Champa Chhattisgarh (Owner Of Offending Vehicle Tractor Bearing

Registration No. C.G. 11 B.D. 1800 And Trolley No. C.G. 11 A.W. 6304).

3 - United India Insurance Company Ltd. Through Branch Manager Near Niharika Talkies Nakoda Nagar Nigam Smriti Udyan Korba, District Korba Chhattisgarh (Insurer Of Offending Vehicle Tractor Bearing Registration No. C.G. - 11 B.D.- 1800 And Trolley No C.G. 11 A.W. 6304).

... Respondent(s)

For Appellants	:	Ms. Nita Choubey, Advocate
For Respondents	:	------

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(05.11.2026)

1. Heard on admission.

2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants challenging the award dated 18.08.2026 passed by learned 1st Additional Motor Accident Claims Tribunal, Janjgir Champa (CG) in Motor Accident Claim Case No. 11/2026, whereby the Tribunal has awarded a total compensation of Rs.19,59,332/- on account of the death of Sunil Kumar, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 26.12.2025.

3. Learned counsel appearing for the appellant submits that the deceased, Sunil Kumar was working as an electrician and earning Rs.30,000/- per month. However, the Tribunal has committed an error in not accepting the said claim and, while assessing the income of the deceased, has assessed his monthly income at Rs.10,656/- by treating him as an unskilled labourer. She, therefore, submits that the compensation awarded by the Tribunal deserves to be suitably enhanced.

4. Heard learned counsel for the appellant and perused the record with due care and circumspection.

5. The Tribunal, while considering the income of the deceased in paragraph 21 of the impugned award, has recorded a finding that although it was claimed by the claimants that the deceased was earning Rs.30,000/- per month by working as an electrician, no documentary or other cogent evidence was adduced on record to substantiate the said assertion. The accident occurred on 26.12.2025. There is no clinching evidence on record to establish that the deceased was working as an electrician or that he was engaged in any skilled employment. In the absence of any reliable evidence regarding the actual income or nature of employment of the deceased, the Tribunal assessed his monthly income at Rs.10,656/- on the basis of the prevailing minimum wages applicable on the date of the accident, treating him as an unskilled labourer. Hence, this Court finds no infirmity or illegality in the assessment of the monthly income of the deceased by the Tribunal.

6. Upon an overall consideration of the evidence available on record and the findings recorded by the Tribunal, this Court is of the considered opinion that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference.

7. Consequently, finding no merit in the present appeal, the same is hereby **dismissed** at the admission stage.

8. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

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