CGHC010445782025 2026:CGHC:47270

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2352 of 2025

1 - Parmila Yadav W/o Aanand Mohan Yadav Aged About 38 Years R/o Village- Murta, Thana / Tahsil- Nawagarh, Distt. Bemetara, C.G.

2 - Aanand Mohan Yadav S/o Bhola Yadav Aged About 44 Years R/o Village- Murta, Thana / Tahsil- Nawagarh, Distt. Bemetara, C.G.

3 - Madhuri Yadav D/o Aanand Mohan Yadav Aged About 23 Years R/o Village- Murta, Thana / Tahsil- Nawagarh, Distt. Bemetara, C.G.

... Appellants

versus

1 - Ritesh Kumar Tamboli S/o Jeevan Lal Tamboli Aged About 44 Years R/o Ward No. 15, Rajeev Gandhi Chauk, Nawagarh, Thana / Tahsil- Nawagarh, Distt.- Bemetara, C.G. (Driver)

2 - Mandip Kaur W/o Jagjeet Singh Gandhi Aged About 48 Years R/o Ward No. 9, Tikapara Nawagarh, Thana / Tahsil- Nawagarh, Distt.- Bemetara, C.G. (Owner)

3 - Branch Manager Oriental Insurance Company Limited, Branch Office- Above Bala Ji Medical Store, In Front Of New Bus Stand, Bemetara, Thana / Tahsil/ Distt.- Bemetara, C.G. (Insurer)

... Respondents

For Appellants	:	Mr. Arvind Prasad, Advocate
For Respondents No. 1 & 2	:	None.
For Respondent No.3	:	Mr. Mohd. Azad Siddiqui, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(17.11.2026)

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1. Heard on I.A. No. 01/2025, application for condonation of delay in filing the appeal.

2. This is a claimants' appeal for enhancement. Upon due consideration and for the reasons stated in the application, I.A. No. 01/2025 is allowed. Delay of 1 day in filing the appeal is condoned.

3. Also heard on admission.

4. Admit.

5. With the consent of both the parties, the matter was heard finally.

6. This appeal has been preferred under Section 173 of the Motor Vehicles Act, 1988 (for short, *"the Act of 1988"*) by the appellants/claimants assailing the award dated 10.07.2025 passed by learned Motor Accident Claims Tribunal, District - Bemetara (C.G.), in Claim Case No.57/2025, whereby the Tribunal has awarded a total compensation of Rs.16,66,710/- on account of the death of Karan Yadav (20-years-old), who succumbed to the injuries sustained in a motor vehicle accident that occurred on 07.11.2024.

7. Learned counsel appearing for the appellants submits that the Tribunal has wrongly assessed the income of the deceased as Rs. 10,428/- per month, whereas the claimants pleaded the income of the deceased as Rs. 15,000/- per month, as the deceased was running a hotel at village Murta. He further submits that the Tribunal failed to grant the requisite enhancement towards the conventional heads, namely loss of estate, funeral expenses, and consortium, in terms of the law laid down by the Hon'ble Supreme Court. It is, therefore, submitted that the compensation awarded under the conventional heads deserves suitable enhancement in accordance with the settled principles of law.

8. Per contra, learned counsel appearing for respondent No.3/Insurance Company supports the impugned award and

submits that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference by this Court.

9. I have heard learned counsel for the parties at length, considered their rival submissions and carefully perused the entire record.

10. A perusal of the record reveals that the claimants have failed to adduce any cogent evidence to substantiate the alleged income of the deceased. In the absence of cogent & reliable evidence, the learned Claims Tribunal rightly determined the deceased's income at ₹10,428/- per month, in accordance with the minimum wages notification issued by the Labour Department for an unskilled labourer as of the date of the accident (07.11.2024). The assessment thus suffers from no infirmity and is just, fair, and proper.

11. Upon perusal of the impugned award, it is evident that the Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.60,000/- towards loss of consortium, aggregating to Rs.90,000/- under the conventional heads. As per ***National Insurance Co. Ltd. v. Pranay Sethi,*** *reported in* ***(2017) 16 SCC 680,*** the fixed amounts prescribed under the conventional heads, namely Loss of Consortium, Loss of Estate, and Funeral Expenses are subject to a 10% enhancement every three years. Given that the accident occurred on 07.11.2024, two triennial cycles (2020 and 2023) fell due prior to the date of the accident. The learned Tribunal, however, erred in law by failing to apply the 10% escalation twice, thereby resulting in an under-assessment of the awarded compensation under the conventional heads. Accordingly, the amounts payable towards loss of estate and funeral expenses stand enhanced to Rs.18,000/- each, while the amount payable towards loss of consortium comes to Rs.48,000/-.

12. It is also not in dispute that there are three claimants. Hence, all the claimants shall be entitled towards loss of consortium of

Rs.48,000/- each, totalling Rs.1,44,000/-.

13. Thus, the compensation payable under the conventional heads is recomputed as under:

Loss of Estate	:	Rs.18,000/-
Funeral Expenses	:	Rs.18,000/-
Loss of Consortium (Rs.48,000/- × 3)	:	Rs.1,44,000/-
Total	:	**Rs.1,80,000/-**

14. Since the Tribunal has already awarded Rs.90,000/- under the conventional heads, the appellants become entitled to an additional sum of **Rs.90,000/-** (1,80,000 – 90,000) under the said heads.

15. Consequently, the appellants/claimants shall be entitled to an additional/enhanced compensation of **Rs.90,000/-** over and above the amount awarded by the Tribunal. The enhanced amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the learned Tribunal till the date of its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.

16. Accordingly, the appeal stands **partly allowed** and the impugned award is modified to the aforesaid extent.

17. The Registry is directed to communicate the claimants 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 claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu