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2026:CGHC:8694

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 60 of 2023

1. Shikha Rani Patra W/o Shri Ashok Kumar Patra Aged About 48 Years R/o Satbahaniya Mandir Marg 1118, H.B. Colony Dewori Khurd, District Bilaspur, Chhattisgarh.
2. Shri Ashok Kumar Patra S/o Shri Damodhar Patra Aged About 49 Years R/o Satbahaniya Mandir Marg 1118, H.B. Colony Dewori Khurd, District Bilaspur, Chhattisgarh.

... **Appellant(s)**

versus

1. Ajay Kumar Bichhiya S/o Banthuram Bichhiya Aged About 28 Years R/o Ward No. 16 Trimurti Colony Beside House Of Lokesh Chandrakar In Side Of Thana City Kotwali, District Mahasamund, Chhattisgarh.
(Driver)
2. Shyam Ratan Dhiwar S/o Shri Ramesh Kumar Dhiwar R/o Village Sasha Tahsil Palari, District Balouda Bazar Bhatapara, Chhattisgarh.
(Registered Owner)
3. Vijay Kumar Bichhiya S/o Banthuram Bichhiya Aged About 28 Years R/o Ward No. 16 Trimurti Colony Beside House Of Lokesh Chandrakar In Side Thana City Kotwali, District Mahasamund, Chhattisgarh.
(Possession Owner)

... **Respondent(s)**

For Appellants/Claimants	:	Ms. Shaleeni Jangde, Advocate holding the brief of Mr. Arjun Lal Singroul, Advocate
For Respondents No. 1 & 3	:	Mr. Prakshay Shrivastava, Advocate holding the brief of Mr. Harshal Chauhan, Advocate
For Respondent No. 2	:	None, though served.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

18.02.2026

1. The claimants have filed this appeal for enhancement of compensation assailing judgment and award passed by the learned 11th Additional Motor Accident Claims Tribunal, Raipur passed in Claim Case No. 223/2018,

whereby, the learned Tribunal has granted compensation of Rs. 1,10,000/- with interest at the rate of 9% per annum on account of death of Ashish Kumar Patra.

2. The facts in brief are that the deceased was an occupant of offending Maruti Car bearing registration No. CG 04 JF 8587. On the date of accident i.e. on 21.12.2017, driver of the said car drove it rashly & negligently and dashed against divider, resultantly car turned turtle. In said accident, Ashish Kumar Patra sustained injuries and succumbed to death. The claimants, who are parents of the deceased filed a claim case under Section 166 of Motor Vehicle Act, wherein, they pleaded that age of the deceased was 20 years and earning Rs. 8,000/- per month. The learned Tribunal held that deceased was student of B.Com. (final year) and he was not in Government Job, thus, declined compensation for loss of income. The learned Tribunal granted sum of Rs. 15,000/- for loss of estate, Rs. 15,000/- for loss of funeral expenses and Rs. 40,000-40,000/- for loss of consortium. The offending vehicle was not insured, therefore, learned Tribunal fastened liability with the owner & driver. The respondents No. 2 is registered owner, whereas, offending vehicle was in possession of respondent No. 3.
3. Learned counsel for the claimants would submit that in absence of evidence with regard to income, the learned Tribunal should have treated the deceased semi-skilled or skilled labourer as he was student of B.Com. (final year). She would submit that the learned Tribunal has not granted compensation for future prospect and also failed to apply proper multiplier. She would pray to enhance the compensation.
4. On the other hand, learned counsel appearing for respondents No. 1 & 3 would oppose. He would submit that the learned Tribunal has granted just

and proper compensation and appeal deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.
6. The approach of the learned Tribunal has pained this Court. It is the case where young boy of 20 years, who was student of B.Com. (final year) lost his life in motor accident. The learned Tribunal declined compensation for loss of income on the ground that he was not a Government servant and the claimants were not dependant on his income. If there was no evidence with regard to income of the deceased, the learned Tribunal should have applied minimum wage matrix. As the deceased was student of B.Com. (final year), he should have been treated as semi-skilled labourer. The minimum wage admissible to the semi-skilled labourer in the month of December, 2017 was Rs. 9,100/- and the learned Tribunal should have taken that figure into account. The deceased was a bachelour; therefore, proper deduction would be $\frac{1}{2}$ and multiplier would be 18. The claimants would be further entitled to get 40% of total income for future prospects. The learned Tribunal has granted compensation for loss of estate, funeral expenses and loss of consortium. Thus, the compensation granted by the learned Tribunal requires reconsideration and same is being revisited herein-below :-

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	NIL	Rs. 9,100 x12 = Rs. 1,09,200/-
2.	Future Prospect	NIL	(40%) = Rs. 43,680/-
3.	Deduction	NIL	(-) $\frac{1}{2}$ Rs. 76,440/- Rs. 76,440/-
4.	Multiplier	NIL	(x) 18 = Rs. 13,75,920/-
5.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-

6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of consortium (for appellant No. 1)	Rs. 40,000/-	Rs. 40,000/-
8.	Loss of consortium(for appellant No. 2)	Rs. 40,000/-	Rs. 40,000/-
	TOTAL	Rs. 1,10,000/-	Rs. 14,85,920/-

7. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 1,10,000/- awarded by the tribunal is enhanced to **Rs. 14,85,920/-**. Hence, after deducting the amount of Rs. 1,10,000/-, the appellants/claimants are held entitled for an additional amount of Rs. **13,75,920/-** with interest at the rate of 9% per annum. As the vehicle was not insured, liability is fastened with the respondents No. 2 & 3 of the offending vehicle. The respondents No. 2 & 3 are granted 60 days time to indemnify the award.

8. Accordingly, the instant appeal is hereby **partly allowed**.

Sd/-
(**Rakesh Mohan Pandey**)
Judge

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