



2026:CGHC:13756

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 144 of 2020

{Arising out of award dated 27-9-2019 passed by the Motor Accident Claims Tribunal, Ambikapur, District Surguja in Motor Accident Claim Case No.254/2018}

1. Smt. Rajmani Khalkho, W/o Late Bal Sai Khalkho, aged about 58 years, Occupation House Wife
2. Suresh Kumar Khalkho, S/o Late Bal Sai Khalkho, aged about 38 years, Occupation Insurance Agent
3. Narendra Khalkho, S/o Late Bal Sai Khalkho, aged about 32 years, Occupation Agriculturist
4. Ku. Sangeeta Khalkho, D/o Late Bal Sai Khalkho, aged about 28 years, Occupation House Work
5. Ku. Anita Khalkho, D/o Late Bal Sai Khalkho, aged about 26 years, Occupation House Work

Appellant No.1 to 5 are R/o Village Khirati, Uronpara, Post Morga, Police Station Bango, Tahsil Podi-uproda, District Korba, Chhattisgarh.

6. Naresh Kumar Khalkho, S/o Late Bal Sai Khalkho, aged about 40 years, Occupation Private Job, R/o Village Khirati, Uronpara, Post Morga, Police Station Bango, Tahsil Podi-uproda, District Korba, Chhattisgarh. Present Address Flat No.304, Vardhan Apartment, Police Line, Takki Swagat Nagar, Katol Road, Nagpur (Maharashtra)
(Claimants)
... Appellants

versus

1. Pradeep Agarwal, S/o Ishwarchand Agarwal, aged about 50 years, Occupation Business, R/o House No.226, R. K. Traders, Gali Nagar, P.S. & Tahsil Ambikapur, District Surguja, Chhattisgarh.
(Owner)



2. The Divisional Manager, United India Insurance Company Ltd.,
Division Office Brahm Road, Near Kumkum Hotel, Nagar, P.S. &
Tahsil Ambikapur, District Surguja, Chhattisgarh.

(Insurer)

... Respondents

For Appellants : Ms. Aakanksha Vishwakarma, Advocate on behalf
of Mr. A.N. Pandey, Advocate.

For Respondent No.2 : Mr. Abhishek Vinod Deshmukh, Advocate.

Single Bench:-

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

23/03/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants herein/claimants seeking enhancement in the amount of compensation, challenging the impugned award dated 27-9-2019 passed by the Motor Accident Claims Tribunal, Ambikapur, District Surguja in Motor Accident Claim Case No.254/2018, whereby the learned Claims Tribunal has awarded a total sum of ₹ 3,94,000/- as compensation for the death of Balsai Khalkho, who was a Rajmistri, aged about 60 years at the time of incident. The appellants herein/claimants are wife and children, respectively, of deceased Balsai Khalkho.
2. Ms. Aakanksha Vishwakarma, learned counsel appearing on behalf of the appellants herein/claimants, would submit that the deceased was a Rajmistri and the learned Claims Tribunal ought to have taken his monthly income to be ₹ 8,100/- on the basis of notification issued under the Minimum Wages Act in the year 2021,



whereas, it has been taken as ₹ 4,500/, therefore, the amount of compensation be enhanced suitably.

3. Mr. Abhishek Vinod Deshmukh, learned counsel appearing on behalf of respondent No.2 herein/Insurance Company, would support the impugned award and oppose the appeal.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
5. The learned Claims Tribunal has assessed the monthly income of deceased Balsai Khalkho to be ₹ 4,500/-, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the Office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be ₹ 8,100/- (as per minimum wages prescribed at relevant time).
6. Thus, considering the evidence available on record and that the deceased was a Rajmistri, 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. v. 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:-

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

³ (2018) 18 SCC 130



S. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court/New Calculation
1.	Income	₹ 4,500/- per month. Yearly Income = ₹ 4,500 x 12 = ₹ 54,000/-.	₹ 8,100/- per month. Yearly Income = ₹ 8,100 x 12 = ₹ 97,200/-.
2.	Future Prospect	NIL	(+) 10% i.e. ₹ 9,720; total yearly income = ₹ 97,200 + 9,720 = ₹ 1,06,920/-.
3.	Deduction	(-) 1/3 = ₹ 18,000/- ₹ 54,000 - 18,000 = ₹ 36,000/-	(-) 1/3 = ₹ 35,640/- ₹ 1,06,920 - 35,640 = ₹ 71,280/-
4.	Multiplier	(x) 9 = ₹ 3,24,000/-	(x) 9 = ₹ 6,41,520/-
5.	Loss of Estate	₹ 15,000/-	₹ 16,500/-
6.	Funeral Expenses	₹ 15,000/-	₹ 16,500/-
7.	Loss of Consortium	₹ 40,000/-	₹ 44,000/- x 3 = ₹ 1,32,000/- (only 3 claimants were found to be dependents as per para 19 of the impugned award)
	Total	₹ 3,94,000/-	₹ 8,06,520/-

7. In view of the aforesaid analysis, the amount of compensation of ₹ **3,94,000/-** awarded by the Claims Tribunal is enhanced to ₹ **8,06,520/-**. Hence, after deducting the amount of ₹ **3,94,000/-**, the appellants are held entitled for an additional amount of ₹ **4,12,520/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days from the date of receipt of a copy of this order. The additional amount of compensation shall carry interest @ 7% *per annum* from the date of filing of claim application before the Tribunal i.e. 17-12-2018 till its realisation. Rest of the conditions of the impugned award shall remain intact.



8. Accordingly, this appeal is allowed in part and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

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