



2025:CGHC:38918

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 155 of 2022**

1 - Smt. Radha, W/o. Late Devicharan, Aged About 35 Years,
R/o. Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

2 - Rajkumar, S/o. Late Devicharan, Aged About 21 Years, R/o.
Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

3 - Gollu Kumar, S/o. Late Devicharan, Aged About 19 Years,
R/o. Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

4 - Kamlesh Kumar, S/o. Late Devicharan, Aged About 15 Years,
Through- Its Legal Guardian Smt. Radha, W/o. Late Devicharan
R/o. Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

5 - Sahil Kumar, S/o. Late Devicharan, Aged About 9 Years,
Through- Its Legal Guardian Smt. Radha, W/o. Late Devicharan,
R/o. Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

6 - Shanti Bai, W/o. Late Budhi Ram, Aged About 65 Years, R/o.
Village- Devnagar, P.S. Surajpur, Tehsil - Ramanujnagari,
District- Surajpur (C.G.)

... Appellants**versus**



1- Ramkumar Rajwade, S/o. Samaylal Rajwade, Aged About 30 Years, R/o. Village- Anrokha, P.S. Bhatgaon, Tehsil Bhaiyathan, District- Surajpur (C.G.) [Driver Of Offending Vehicle No. CG 16 CF 7554]

2- Urmila Rajwade, W/o. Manbodh Rajwade, Aged About 50 Years, R/o. Village- Anrokha, P.S. Bhatgaon, Tehsil Bhaiyathan, District- Surajpur (C.G.) [Owner Of Offending Vehicle No. CG 16 CF 7554]

3- United India Insurance Company Ltd. Through- Branch Manager, Brance Office, Near Ram Mandir, Ambikapur, District- Surguja (C.G.) [Insurance Company Of Offending Vehicle No. CG 16 CF 7554]

... Respondents

For Appellants : Mr. Vijay Kumar Sahu, Advocate

For Respondents No.1 : Mr. R.V.Ram Rajwade, Advocate
& 2.

For Respondent No.3. : Mr. P.R.Patankar, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

05.08.2025

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 31.08.2021 passed by learned First Additional Motor Accident Claims Tribunal, Surajpur in MAC Case No.66/2021, whereby the learned Claims Tribunal has awarded



an amount of Rs. 10,25,000/- as compensation for the death of Devicharan, who was driver, aged about 45 years, at the time of incident.

- 2.** Appellants, who are wife, sons and mother of the deceased Devcharan, filed an application under Section 166 of the Act of 1988 before the Motor Accident Claims Tribunal (for brevity “Claims Tribunal”) seeking compensation to the tune of Rs. 23,50,000/- pleading therein that on the date of accident, deceased Devicharan was aged about 45 years and was a sole bread earner of the family and on account of his untimely death in the accident, the appellants have suffered economical and psychological difficulties.
- 3.** Learned Claims Tribunal, upon appreciation of pleadings and evidence placed on record by respective parties, held that deceased Devicharan died in the accident arising out of rash & negligent driving of the offending vehicle driven by the respondent No.1, owned by the respondent No.2 and insured by the respondent No.3. Breach of conditions of insurance policy was not found to be proved and after calculating the amount of compensation, the Claims Tribunal awarded Rs. 10,25,000/- as total compensation with interest @ 8% per annum from the date of filing of claim application.



- 4.** Mr. Vijay Kumar Sahu, learned counsel for the appellants, would submit that learned Claims Tribunal has awarded very meager amount, as the Claims Tribunal erred in assessing income of deceased as Rs.6,000/- per month which should be Rs. 8,960/- as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Therefore, the instant appeal be allowed and the amount of compensation awarded by the learned Claims Tribunal may be suitably enhanced.
- 5.** Mr. P.R.Patankar & Mr. R.V.Ram Rajwade, learned counsels appearing for the respective respondents would submit that the appellants have failed to prove the exact income of deceased by producing clinching and admissible piece of evidence, hence, the Claims Tribunal is justified in assessing income of deceased on notional basis. The amount of compensation awarded by the learned Claims Tribunal is just and proper, which does not call for any interference.
- 6.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records minutely.
- 7.** Learned Claims Tribunal assessed the monthly income of deceased Devicharan to be Rs.6,000/- per month, however,



in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh for unskilled labour, the monthly income of the deceased should be Rs.8,960/- per month, which comes to Rs. 1,07,520/- per annum.

8. 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 Sethi¹**, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors²** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
Income as per minimum wages	Rs. 6000 x 12 = Rs. 72,000/-	Rs. 8,960 x 12 = Rs. 1,07,520/-
Future prospects @ 25%	Rs. 18,000 + 72000 = Rs.90,000/-	Rs.26,880 + 1,07,520 = Rs. 1,34,400/-
Deduction of 1/4	Rs.90,000 – 22,500 = Rs.67,500/-	Rs. 1,34,400 – 33,600 = Rs.1,00,800/-
Multiplier of 14	Rs. 9,45,000/-	Rs. 14,11,200/-
Loss of Consortium	Rs. 40,000/- + Rs.10,000 for Treatment & Transport	Rs. 40,000/- x 6 = Rs.2,40,000/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
Total	Rs. 10,25,000/-	Rs. 16,81,200/-

9. In view of the aforesaid analysis, the amount of compensation of **Rs. 10,25,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 16,81,200/-**. Hence, after deducting the amount of **Rs.10,25,000/-**, the appellants are entitled for an additional amount of **Rs. 6,56,200/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 8% *per annum* from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
10. Accordingly, this appeal is partly allowed and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok