



2026:CGHC:18640

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 168 of 2020

1 - Harprasad S/o Late Salikram Chauhan Aged About 46 Years Resident Of- Akaltara Sanjay Nager, Ward No. 4, Thana- Akaltara, District- Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

2 - Smt. Shanti Bai W/o Harprasad Aged About 45 Years Resident Of- Akaltara Sanjay Nager, Ward No. 4, Thana- Akaltara, District- Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

... Appellants

Versus

1 - Chhatram Bharatdwar S/o Dev Singh Aged About 52 Years Resident Of Village- Taraud, Satnami Para Ward No. 13, Thana- Akaltara District- Jajgir Champa Chhattisgarh (Driver Of The Offending Vehicle Swaraj Majada No. C.G.10/c./4615, District : Janjgir-Champa, Chhattisgarh

2 - Sudhir Kumar S/o Jai Kumar Jain Aged About 43 Years Resident Of- Akaltara Agrasen Chowk, Ward No. 04 Thana- Akaltara, District- Janjgir Champa Chhattisgarh (Owner Of The Offending Vehicle Swaraj Majada No. C.G.10/c./4615, District : Janjgir-Champa, Chhattisgarh

3 - The United India Insurance Company Limited Branch Office- Guru Kripa Tower 2nd Floor, In Front Of Amber Auto Mobile, Vyapar Vihar Road Bilaspur District- Bilaspur Chhattisgarh (Insurer Of The Offending Vehicle Swaraj Majada No. C.G.10/c./4615, District : Janjgir-Champa, Chhattisgarh

... Respondents

[Cause-title taken from Case Information System (CIS)]

For Appellants	:	Mr. AL Singroul, Advocate
For Respondent No.3	:	Mr. BN Nande, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

(Order on Board)

23.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for



short the “Act of 1988”) has been preferred by the appellants seeking enhancement of amount of compensation, challenging the impugned award dt. 11.11.2019, whereby learned Claims Tribunal has awarded a total sum of Rs.12,97,720/- as compensation to the claimants.

2. Learned counsel for the appellants would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in assessing income of deceased as Rs.8100/- per month which should be Rs.8750/- as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Even on the heads of loss of estate, loss of consortium and funeral expenses just and proper amount has not been awarded and same are liable to be enhanced accordingly. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for the respondent-Insurance Company would submit that the appellants have failed to prove nature of occupation and income of the deceased by producing clinching and admissible piece of evidence, hence, the Tribunal is justified in assessing income of deceased on notional basis. The amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.



5. Learned Claims Tribunal assessed the monthly income of deceased to be Rs.8100/-, 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 Rs.8750/- PM (as per minimum wages prescribed at relevant time). Even, on the heads of loss of estate, funeral expenses and heads of loss of consortium to the appellants Rs.15,000/-, Rs.15,000/- and Rs.40,000/- respectively have only been awarded, but it ought to have been awarded Rs.18,000/-, Rs. 18,000/- and Rs.44,000/- X 2 = Rs.88,000/- respectively for all the appellants.

6. 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:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	Rs.8100/- x 12 = Rs.97,200/-	Rs.8750/- x 12 = Rs.1,05,000/-
2	Future Prospect	40% of Rs.97,200/- (i.e. Rs.38880/- Rs.1,36,080/-	(+) 40% (i.e. Rs. 42000/-) = Rs.1,47,000/-
3.	Deduction	(-) 1/2	(-) 1/2 Rs.73500/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



		Rs.68,040/-	
4.	Multiplier	(x) 18 =	(x) 18 =
		Rs.12,24,720/-	Rs.13,23,000/-
5.	Loss of Estate	Rs.15,000/-	Rs.18,000/-
6.	Funeral Expenses	Rs.15,000/-	Rs.18,000/-
7.	Loss of Consortium	Rs.40,000/-	Rs.44,000/- X 2 =
			Rs.88,000/-
	Total	Rs.12,94,720/-	Rs.14,47,000/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.12,94,720/- awarded by the Claims Tribunal is enhanced to Rs.14,47,000/-. Hence, after deducting the amount of Rs.12,94,720/-, the appellants are held entitled for an additional amount of **Rs.1,52,280/-**. 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 copy of this order. The additional amount of compensation shall carry interest @ 6% *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.

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