



2026:CGHC:3416

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 183 of 2022**

1. Ram Kumar Sahu S/o Shri Panch Ram Sahu Aged About 35 Years Caste Sahu , R/o Village Birgahani (Cha), Police Station And Tahsil Janjgir, District Janjgir Champa Chhattisgarh.
2. Iswar Prasad Sahu S/o Shri Ram Kumar Sahu Aged About 16 Years Through Their Legal Guardian Father Shri Ram Kumar Sahu S/o Shri Panch Ram Sahu, , Caste Sahu, R/o Village Birgahani (Cha), Police Station And Tahsil Janjgir , District Janjgir Champa Chhattisgarh.
3. Parmeshwari Sahu D/o Shri Ram Kumar Sahu Aged About 15 Years Through Their Legal Guardian Father Shri Ram Kumar Sahu S/o Shri Panch Ram Sahu, , Caste Sahu, R/o Village Birgahani (Cha), Police Station And Tahsil Janjgir , District Janjgir Champa Chhattisgarh.
4. Fooleshwar Sahu S/o Shri Ram Kumar Sahu Aged About 13 Years Through Their Legal Guardian Father Shri Ram Kumar Sahu S/o Shri Panch Ram Sahu, , Caste Sahu, R/o Village Birgahani (Cha), Police Station And Tahsil Janjgir , District Janjgir Champa Chhattisgarh.

... Appellant(s)**versus**

1. Ramkrit Rajbhar S/o Late Vidyarthi Rajbhar Aged About 60 Years R/o Village Bilauva , Post Sidhawal, Police Station Haldharpur, District Mau (U.P.) At Present R/o Village Lachhanpur, Ward No. 18, Police Station And Tahsil Janjgir, District Janjgir Champa Chhattisgarh. (Driver Of The Offending Vehicle Hydra A.C.E. No. C.G. 11 A.U. 3742)]
2. Yogesh Kumar Rajbhar S/o Shri Ramkrit Rajbhar Aged About 40 Years R/o Village Bilauva , Post Sidhawal, Police Station Haldharpur, District Mau (U.P.) At Present R/o Village Lachhanpur, Ward No. 18, Police Station And Tahsil Janjgir , District Janjgir Champa Chhattisgarh. (Owner Of The Offending Vehicle Hydra A.C.E. No. C.G. 11 A.U. 3742)
3. The New India Insurance Company Ltd. Through The Branch Manager, Branch Office Sada Complex, Transport Nagar, Korba , District Korba Chhattisgarh. (Insurer Of The Offending Vehicle Hydra A.C.E. No. C.G. 11 A.U. 3742)

... Respondent(s)

For Appellants/Claimants	: Mr. Vishvanath Shrivastava, Advocate
For Respondent No. 3	: Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board**

20.01.2026

1. The claimants have filed this appeal for enhancement of compensation assailing the award passed by the learned Motor Accident Claims Tribunal, Janjgir-Champa in Claim Case No. 26/2020 dated 08.11.2021, whereby the learned Tribunal has granted compensation to the tune of Rs. 12,86,000/- with interest at the rate of 7.5% per annum on account of death of Terasbai.
2. Mr. Vishvanath Prasad would submit that on 23.01.2020 at about 9.15 am bicycle of husband of the deceased was dashed by Hydra ACE bearing registration No. CG 11 AU 3742. He would contend that deceased was a pillion rider and she sustained injuries and succumbed to death. He would contend that age of the deceased at the time of accident was 32 years and earning Rs. 15,000/-. Mr. Shrivastava would submit that the learned Tribunal assessed the income of the deceased Rs. 6,000/-, which is at lower side. He would contend that the learned Tribunal should have applied minimum wages matrix. It is contended that the minimum wage admissible to an unskilled labourer in the month of January, 2020 was Rs. 8,600/-. He would submit that the learned Tribunal has not granted just and proper compensation on conventional heads. He would pray to enhance the compensation accordingly.
3. Mr. Anil Gulati, Advocate appearing for Insurance Company would oppose. He would contend that the learned Tribunal has granted just and proper compensation. It is also argued that the claimants failed to prove income of the deceased by leading cogent evidence. He would submit that appeal deserves to be dismissed.
4. I have heard learned counsel for the parties and perused the record with utmost circumspection.
5. Admittedly, the claimants could not prove income of the deceased by

leading cogent evidence; therefore, the learned Tribunal should have applied minimum wage matrix. The minimum wage admissible to an unskilled labourer in the month of January, 2020 was Rs. 8,600/- and the learned Tribunal should have taken that figure while computing the income of the deceased. The learned Tribunal has granted a sum of Rs. 77,000/- only against loss of estate, funeral expenses and loss of consortium, which requires reconsideration.

6. Taking into consideration the above-discussed facts, the compensation is being revisited herein-below:-

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs. 6,000 x12 = Rs. 72,000/-	Rs. 8,600 x12 = Rs. 1,03,200/-
2.	Future Prospect	(40%) = 28,800/-	(40%) = Rs. 41,280/-
3.	Deduction	(-) 1/4 Rs. 25,200/- Rs. 75,600/-	(-) 1/4 Rs. 36,120/- Rs. 1,08,360/-
4.	Multiplier	(x) 16 = Rs. 12,09,600/-	(x) 16 = Rs. 17,33,760/-
5.	Loss of Estate	Rs. 77,000/-	Rs. 18,000/-
6.	Funeral expenses		Rs. 18,000/-
7.	Loss of consortium (for appellant No. 1)		Rs. 44,000/-
8.	Loss of consortium (for appellant No. 2)		Rs. 44,000/-
9.	Loss of consortium (for appellant No. 3)		Rs. 44,000/-
10.	Loss of consortium (for appellant No. 4)		Rs. 44,000/-

	TOTAL	Rs. 12,86,600/-	Rs. 19,45,760/-
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7. For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 12,86,600/- awarded by the tribunal is enhanced to **Rs. 19,45,760/-**. Hence, after deducting the amount of Rs. 12,86,600/-, the appellants/claimants are held entitled for an additional amount of **Rs. 6,59,160/-** with interest at the rate of 7.5%. The Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of copy of this order. Rest of the conditions of impugned award shall remain intact.

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

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

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