



2026:CGHC:13577



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 291 of 2023

1. Smt. Roshninupa W/o Pradhudan Tirkey aged about 45 years
2. Minor Arti Mamta Tirkey D/o Prabhudan Tirkey Aged About 13 Years
Appellant No.2 being minor is through next friend and guardian, the appellant No.1.
Both R/o village Jhargaon (Jamkudar) Post – Kastura, Tahsil Duldula, District Jashpur, CG

... Appellants

versus

1. Pramod Kumar Singh S/o Triveni Singh Aged About 40 Years C/o Jai Balaji Road Carrier Near Prabhat Talkies, Ganjpara, Raipur, District-Raipur (C.G.) At Post-Dunduriya, Near Devi Mandir, Po/ps/district-Gumla (Jharkhand) (**Owner**)
2. Lakhmi Minj S/o Japna Minj Aged About 29 Years Occupation- Driver, R/o Village-Suplaga, P.S. Kamleshwarpur, District-Surguja (C.G.) (**Driver**)
3. National Insurance Company Limited Local Branch/divisional Officer, Main Road, Kosabadi Korba, District-Korba (C.G.) (**Insurer**)

... Respondents

For Appellants : Shri Divyanand Patel, Advocate
For Respondent No.3 : Shri GVK Rao, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board dated 20.03.2026

This appeal arises out of the award dated 02.12.2022 passed by Motor Accident Claims Tribunal (for short the "Tribunal") Jashpur, District Jashpur in



Claim Case No. 73/2021 awarding a compensation of Rs. 13,47,984/- in favour of the appellants/claimants.

2. Facts of the case in brief are that on 23.07.2021 at about 9 PM when deceased Niranjan along with his friend Sonu was going to his village to his on motorcycle bearing registration No. CG-14-MN-2518, near Jhargaon turning at NH-43, the offending vehicle – truck bearing registration No. CG-04-MD-5321 driven by respondent No. 2 rashly and negligently came there and hit the motorcycle. In the said accident deceased suffered injuries on his head and other parts of the body, and succumbed to the same then and there. Criminal case for the offence under Sections 279, 337 and 304-A IPC was registered against the driver of the offending vehicle and after investigation charge sheet was also filed.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 31,25,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs. 13,47,984/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Counsel for the appellants submits that the assessment of the income of the deceased is on the lower side and needs enhancement. He submits that though the deceased being an electrician was earning Rs. 12,000/- per month, the Tribunal has taken it at Rs. 8,320/- and thus committed an illegality in so doing. Same, according to him, is the position with the amount awarded on other heads also, and being so the compensation awarded is required to be enhanced.



6. On the other hand, counsel for the respondent No.3 has supported the award impugned and submitted that the accident occurred on account of the negligence of the rider of the motorcycle himself and therefore the claimants are not entitled for any enhancement in the awarded sum.

7. Heard counsel for the parties and perused the documents on record.

8. From the pleadings of the respective parties and the overall evidence on record it is clear that the accident occurred with the offending vehicle which was insured with respondent No.3 and was being driven by respondent No. 1. From the pleadings it is apparent that the deceased at the relevant time was aged about 18 years and was working as a electrician. Learned Tribunal took the monthly income of the deceased at Rs. 8,320/- which in the considered opinion of this Court appears to be inappropriate. Since the deceased was an electrician by profession, monthly income of the deceased is taken at Rs. 9,000/- and annual at Rs. 1,08,000/-.

9. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income	1,08,000/-.
2	Income with Future Prospects (Rs.1,08,000/- x 40% Future Prospects = Rs.43,200; 1,08,200 + 43,200 = 1,51,200)	1,51,200
3	Income after Deduction towards Personal Expenses of the Deceased	75,600



	(Rs.1,51,200 / 2 = Rs.75,600;	
4	Loss of Dependency after Application of Multiplier (Rs. 75,600 x 18 = Rs.13,60,800)	13,60,800
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Consortium to mother and sister	80,000
Total Compensation =		14,73,800
(-) Compensation awarded by the Claims Tribunal =		13,47,984
Enhancement in Compensation =		1,25,816

10. In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.**1,25,816**. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till realisation of the enhanced compensation. After deposit of the amount, the Tribunal shall pass appropriate order for apportionment and disbursement etc.

11. Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi