



2026:CGHC:9508

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 635 of 2024

1. Ramrati W/o- Lt. Santosh Singh, Aged About 30 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
2. S/o Lt. Santosh Singh, Aged About 13 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
3. Mukesh Kumar S/o Lt. Santosh Singh, Aged About 9 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
4. Sonakshi D/o Santosh Singh Aged About 6 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
5. Bajanti W/o- Raghav Singh Aged About 54 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
6. Raghav Singh S/o- Chhotelal, Aged About 55 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
7. Jagnarayan S/o- Raghav Singh, Aged About 27 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).
8. Satyanarayan S/o - Raghav Singh Aged About 25 Years The Appellants Residnt- Ghodbiyanipara, Village- Kadrewa,p. S. And Tehsil- Khadgawa, District-Koreya (C.G.).

... Appellant(s)

versus

- 1. Shatrughan Kumar Gahwai Alias Gorelal S/o- Dhansay, Aged About 35 Years R/o- Bada Bazaar, Chirmiri, P.S. And Tehsil- Chirmiri District- Koreya (C.G.). (Driver Of Tractor C.G. 16 Ce 2949)
- 2. Kishore Kumar Vishwas, S/o- Kiran Kirtoniya Aged About 41 Years R/o- Bangla Dafai Chhota Bazaar, Chirmiri P.S., And Tehsil- Chhrmiri, District- Kreya (C.G.). (Driver Of Tractor C.G. 16 Ce 2949)
- 3. Sansay S/o- Kamal Singh Aged About 34 Years R/o Bichhi Dongari Gadhattar, Banjaridand, Tahsil- Khadgawa, District- Koreya (C.G.). (Driver Of Tractor C.G. 16 Ce 2949)
- 4. Branch Manager, United India Insurance Company Ltd, Address- Brahm Road, Near Kumkum Hotel, Ambikapur District- Surguja (C.G.). (Insurance Co. Of Tractor C.G. 16 Ce 2949)
- 5. Divisional Manager, The New India Assurance Company Ltd. Address- Ragda Complex, Transport Nagar, District- Korba (C.G.) (Insurance Co. Of Sold Trolly)

... Respondent(s)

For Appellants	:	Ms. Devanshi Chakraborty, Adv. on behalf of Mr. H.A.P.S. Bhatia, Adv.
For Respondent No. 1	:	Mr. Arvind Prasad, Adv.
For Respondent No. 4	:	Mr. Akash Shrivastava, Adv.
For Respondent No. 5	:	Ms. Swati Agrawal, Adv.

Hon’ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

24.2.2026

- 1) Heard on I.A. No. 3/2025, application for condonation of delay in filing this appeal.
- 2) Learned counsel for the appellants submits that claimants have preferred this appeal with delay of 102 days. She further submits that claimants are poor persons residing in remote area and due to paucity of funds, they could not prefer the appeal within

limitation. She prays to condone the delay.

- 3) On the other hand, learned counsel appearing for respective respondents would oppose.
- 4) Taking into consideration the submission made by Ms. Chakraborty and the reasons assigned in application, I.A. No. 3/2025 is allowed and delay of 102 days caused in filing the instant appeal is hereby condoned.
- 5) With consent of the parties, matter is heard finally.
- 6) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Additional Motor Accident Claims Tribunal, Chirmiri, District Koriya in Claim Case No. 44/2023 dated 1.9.2023 whereby learned Tribunal has passed an award to the tune of Rs. 18,38,000/- with interest @ 7.5% on account of death of Santosh Singh.
- 7) Facts of the present case are that on 4.4.2022, Santosh Singh was going from Village Amadand Tirah to Kadarewa on motorcycle. When he reached Pandopara Main Road, offending vehicle – Tractor bearing registration No. CG-16-CE-2949 being driven in rash and negligent manner, dashed the motorcycle. In the accident, Santosh Singh sustained grievous injuries and died on spot. Claimants, who are the widow, minor children, parents and major siblings of deceased moved claim application claiming

therein compensation to the tune of Rs. 1,12,50,000/-. They pleaded that the deceased was aged 30 years and was earning Rs. 20,000/- per month working as mason. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.

8) Learned counsel for the appellants submits that learned Tribunal has assessed the notional income of the deceased to be Rs. 7,000/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. Although, she fairly submits that learned Tribunal has awarded just and proper compensation under conventional heads. She prays to modify the award accordingly.

9) On the other hand, learned counsel appearing for the respective respondents would oppose. They submit that claim case was filed by widow, minor children, parents and major siblings of deceased and learned Tribunal has deducted 1/6 dependency towards personal and living expenses of deceased treating major siblings as dependents which is in violation to the well settled principle of law established by Hon'ble Supreme Court in the matter of ***National Insurance Co. Ltd. Versus Pranay Sethi***¹ and appropriate deduction should have been 1/4. They pray to modify the award.

10) I have heard learned counsel for the parties and perused the

¹. (2017) 16 SCC 680

record with utmost circumspection.

11) Admittedly, claimants have not placed on record any document to demonstrate the monthly income of the deceased, therefore learned Tribunal assessed his monthly income to be Rs. 7,000/-. The minimum wage payable to an unskilled laborer in April, 2022 was Rs. 9,540/- per month and learned Tribunal ought to have considered that figure. According to the law laid down by the Apex Court in the matter of **Pranay Sethi** (supra), where number of dependents are four to six, appropriate deduction should be 1/4 but learned Tribunal has deducted 1/6 dependency treating major siblings of deceased as dependents. However, under other conventional heads learned Tribunal has awarded just and proper compensation and same do not warrant any interference.

12) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation as below:

Sr. No .	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Annual Income	Rs. 84,000/- (@Rs. 7,000 pm)	Rs. 1,14,480/- (@Rs. 9,540 pm)
2.	Annual Income after adding Future Prospect	Rs. 1,17,600/- (@40%)	Rs. 1,60,272/- (@40%)
3.	Annual income after Deduction towards personal expenses	Rs. 98,000/- (@1/6)	Rs. 1,20,204/- (@1/4)
4.	Annual Income after applying Multiplier	Rs. 15,68,000/-	Rs. 19,23,264/-

		(@16)	(@16)
5.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of Consortium	Rs. 2,40,000/- (widow, three minor children and parents)	Rs. 2,40,000/- (widow, three minor children and parents)
	TOTAL	Rs. 18,38,000/-	Rs. 21,93,264/-

13) Accordingly, the amount of compensation of **Rs. 18,38,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 21,93,264/-**. Hence, the appellants are entitled for an additional amount of **Rs. 3,55,264/-**. The Insurance Companies are directed to make payment of additional compensation assessed herein-above in addition to the award passed by learned Tribunal within period of 60 days. Rest of the terms of the award shall remain intact.

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

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

Ajinkya