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CGHC010075832022 2026:CGHC:31519

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 359 of 2022

1 - Chabil Kumar Sai S/o Late Ramdhani Sai Aged About 45 Years R/o Village Chetba, Ps Ps And Tehsil Kansabel, District Jashpur, Chhattisgarh.

2 - Hariteema Painkra, S/o Late Ramdhani Painkra, Aged About 21 Years R/o Village Chetba, Ps Ps And Tehsil Kansabel, District Jashpur, Chhattisgarh.

3 - Kunti Devi, D/o Late Cheru Sai, Aged About 50 Years R/o Village Chetba, Ps Ps And Tehsil Kansabel, District Jashpur, Chhattisgarh.

... Appellants

versus

1 - Pramod Kumar Singh S/o Triveni Singh, Aged About 42 Years R/o Village Dunduriya, Gaing Colony, Gumla, District Gumla, Jharkhand (Driver And Owner)

2 - Branch Manager, National Insurance Company Limited, Brach Office Gumla, District Gumla, Jharkhand, Through Mandal Office Korba, Address Plot No- 768, 1st Floor, Above Bankhak Bank, Niharika, Kosabadi, Mainroad, Korba, District Korba, Chhattisgarh. (Insurance Company)

... Respondent(s)

For Appellants	:	Mr. Shobhit Koshta, Advocate
For Respondent(s)	:	Mr. Qumrul Aziz, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

23.07.2026

1. Heard on admission.
2. Admit.

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3. The matter is heard finally.

4. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 02.09.2021, passed in Claim Case No.59/2019, whereby the learned Claims Tribunal has awarded a total sum of Rs.15,24,888/- as compensation for the death of Late Kunjbihari, who died in a road accident which took place on 18.05.2019.

5. The facts of the case, in brief, is that on 18.05.2019, the deceased, Kunjbihari and was unmarried, after attending a family member's marriage ceremony at Village Dumarbahar, was returning to his native village on his motorcycle. When he reached near Village Kansabel, a truck bearing Registration No. CG-14-MF-1972, coming from the Jashpur side, was allegedly being driven at a high speed and in a rash and negligent manner. The driver of the offending truck, while driving on the wrong side of the road, dashed head-on into the motorcycle of the deceased. As a result of the said accident, the deceased sustained grievous injuries on his head, chest and lower back. He was immediately being shifted to Holy Cross Hospital, Ambikapur, for medical treatment; however, he succumbed to death.

6. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has

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assessed the income of the deceased as 9,490/- per month, whereas the deceased was working on contract as Block Development Co-ordinator (विकास खंड समन्वयक) in Government institution and was earning Rs.28,080/- per month which is apparent from Ex.A-1; therefore, considering the deceased as a salaried person, the income of the deceased should be considered on the higher side. The Tribunal has also awarded a lesser amount under other conventional heads, which need to be enhanced. Therefore, the instant appeal should be allowed, and the compensation awarded by the Claims Tribunal may suitably be enhanced.

7. Learned counsel for respondent No.2/insurance company had not raised any objection on the contentions made by learned counsel for the appellants/claimants.

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

9. In the case at hand, the learned Tribunal has indeed taken the monthly income of the deceased to be Rs. 9,490/-. According to Ex.A-1, the deceased used to earn Rs.28,080/- per month (Annual Rs.3,36,960/-) as the Block Development Co-ordinator (विकास खंड समन्वयक), Janpad Panchayat, Farsabahar, District Jashpur. The Technical Assistant, namely, Devendra Kumar Lehere who was duly authorized vide authority letter (Ex.P/2), appeared before the learned Tribunal and deposed that the deceased was employed by the

Janpad Panchayat on a contractual basis, the documents have been produced in support of this fact, yet no challenge has been raised by the non-appellants to the deceased said fact, hence considering the deceased as a salaried, it would proper to take his monthly income of Rs.28,080/- according to Ex.A-1. Furthermore, in other conventional heads the Tribunal has granted only Rs.90,000/- which ought to be Rs.1,65,000/-, to that extent the impugned award needs to be modified.

10. The annual income of the deceased is liable to statutory deduction towards income tax. The applicable income tax slab for the Financial Year (Assessment Year 2019-20) is as follows:

Taxable Income	**Rate of Income Tax**
2,50,000/-	NIL
2,50,001 to Rs.5,00,000	5%

11. The annual income of the deceased including future prospects being Rs.4,71,744/-, the taxable income after the basic exemption of Rs.2,50,000/- comes to Rs.2,21,744/-. Income tax @ 5% thereon works out to Rs.11,087.20/- and after adding Health and Eduction Cess @ 4% i.e. Rs.443.49, the total tax liability is to the tune of Rs.11,530.69/- which is round of to Rs.11531/-.

12. 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 Sethi**[1]**, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**[2] **and Magma General Insurance Co.**

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

Ltd. v. Nanu Ram @ Chuhru Ram & Ors[3], this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by this Court
1	Income	Rs.28,080 x 12 = Rs.3,36,960/-
2.	Future prospect	(+) 40% (i.e. Rs.134784) = Rs. 4,71,744/-
3.	Income Tax (Deduction)	(-) Rs.11,531
4.	Annual Income	Rs.4,60,213/-
5.	Deduction	(-) 1/2 (i.e. Rs.2,30,106.50) = Rs. 2,30,106.50
6.	Multiplier	(x) 18 = Rs.41,41,917/-
7.	Funeral Expense	Rs.16,500/-
8.	Loss of Estate	Rs.16,500/-
9.	Loss of Consortium	(44,000 x 3) Rs.1,32,000/-
	Total	**Rs.43,06,917/-**

13. In view of the aforesaid analysis, the amount of compensation of Rs.15,34,888/-/- awarded by the Claims Tribunal is enhanced to Rs.43,06,917/-. Hence, after deducting the amount of Rs.15,34,888/-, the appellants are held entitled for an additional amount of **Rs.27,72,029/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

Cross-objection/Appeal filed by Respondent No.2

14. It is further submitted by learned counsel for the Respondent No.2 that the learned Tribunal has erred n assessing the notional income to the tune of Rs.9,490/- whereas it should be Rs.8,500/- and so far as

3 (2018) 18 SCC 130

the other heads are concerned, the amount of Rs.1,00,000/- which has been awarded by the Tribunal is on the higher side, which should be of Rs.70,000/- as per the ***Pranay Shetty (Supra)***. Therefore, the award should be modified to the extent.

15. In view of the findings recorded hereinabove, particularly with regard to the assessment of the income of the deceased on the basis of Ex. A-1, also taking into consideration the submission of respondent No.2 and the consequent re-computation of compensation in accordance with the principles laid down by the Hon'ble Supreme Court in ***Pranay Sethi (supra), Sarla Verma (supra)*** **and Magma General Insurance Co. Ltd. (supra)**, this Court finds no merit in the cross-objection. Accordingly, the same deserves to be and is hereby dismissed.

16. In the result, the appeal is **partly allowed** and the **cross-objection/ appeal** is dismissed and the impugned award is modified to the extent as indicated herein-above.

17. The Registry is directed to communicate the claimants in writing "the enhanced amount" in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Saxena