



2026:CGHC:10324



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 374 of 2023

1 - (Minor) Sanjana Kurre D/o Late Heera Lal Kurre Aged About 7 Years
Minor Through Legal Guardian Grand Father Sudhram R/o Village
Devarmal, Thana- Urga, Tahsil And District Korba Claimants,
District : Korba, Chhattisgarh

2 - Minor Sidharth Kurre S/o Late Heera Lal Kurre Aged About 3 Years
Minor Through Legal Guardian Grand Father Sudhram R/o Village
Devarmal, Thana- Urga, Tahsil And District Korba, Chhattisgarh

3 - Sudhram Kurre S/o Late Ramcharan Kurre Aged About 55 Years R/o
Village Devarmal, Thana- Urga, Tahsil And District Korba, Chhattisgarh

--- **Petitioner(s)**

versus

1 - Uttam Tiwari S/o Ranglal Tiwari R/o Patharripara (Dabripara) Korba,
Tahsil And District- Korba Driver Driver Of The Offending
Vehicle Truck No. C. G. 12/a.X. /9507, Chhattisgarh

2 - Goutam Tiwari S/o Ranglal Tiwari R/o Patharripara (Dabripara)
Chowki Rampur, Tahsil And District Korba Owner Owner Of
The Offending Vehicle Truck No. C. G. 12/ A.X./9507, Chhattisgarh

3 - The Oriental Insurance Company Limited Through Divisional
Manager. The Oriental Insurance Company Limited. Address- Gitanjali



Bhawan Old Bus Stand Korba, Tahsil And District-
Korba Insurer. Insurer Of The Offending Vehicle Truck No.
C. G. 12/a.X./9507, Chhattisgarh

--- Respondent(s)

MAC No. 392 of 2023

1 - Smt. Chandra Prabha Bhardwaj W/o Late Anujram Bhardwaj Aged About 40 Years Caste Satnami- R/o Village Devarmal, Thana-Urga, Tahsil And District - Korba Chhattisgarh. (Claimants)

2 - Vivek Bhardwaj S/o Late Anujram Bhardwaj Aged About 22 Years Caste Satnami- R/o Village Devarmal, Thana-Urga, Tahsil And District - Korba Chhattisgarh.

3 - Isha Bhardwaj D/o Late Anujram Bhardwaj Aged About 18 Years Caste Satnami- R/o Village Devarmal, Thana-Urga, Tahsil And District - Korba Chhattisgarh.

4 - (Minor) Ishak Bhardwaj S/o Late Anujram Bhardwaj Aged About 14 Years Through Legal Guardian Mother Smt. Chandra Prabha Bhardwaj W/o Late Anujram Bhardwaj. Caste Satnami- R/o Village Devarmal, Thana-Urga, Tahsil And District - Korba Chhattisgarh.

5 - Dev Singh Bhardwaj S/o Jagannath Bhardwaj Aged About 65 Years Caste Satnami- R/o Village Devarmal, Thana-Urga, Tahsil And District - Korba Chhattisgarh.

---Petitioner(s)

Versus

1 - Uttam Tiwari S/o Ranglal Tiwari R/o Patharripaara (Dabripaara) Korba, Tahsil And District - Korba Chhattisgarh. (Driver Of The Offending Vehicle Truck No. Cg-12/ax/9507)



2026:CGHC:10324

2 - Goutam Tiwari S/o Ranglal Tiwari R/o Patharripa (Dabripa)
Chowki Rampur, Tahsil And District Korba Chhattisgarh. (Owner Of The
Offending Vehicle Truck No. Cg-12/ax/9507)

3 - The Oriental Insurance Company Limited, Through Divisional
Manager The Oriental Insurance Company Limited. Address Gitanjali
Bhawan Old Bus Stand Korba, Tahsil And District Korba Chhattisgarh.
(Insurer Of The Offending Vehicle Truck No. Cg-12/ax/9507)

--- Respondent(s)

For Claimants	: Mr. A. L. Singroul, Advocate
For Insurance Company	: Ms. Swatik Agrawal, Advocate holding brief of Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

27.02.2026

- 1) The claimants have preferred these two appeals against the judgment and award dated 21.10.2022 passed by the Motor Accident Claims Tribunal, Korba, District Korba, in Claim Case Nos. 21/2021 and 158/2021, whereby the Tribunal awarded compensation of Rs.15,10,664/- on account of the death of Heera Lal Kurre and Rs.14,21,099/- on account of the death of Anujram Bhardwaj, along with interest @ 6% per annum.
- 2) Facts of the case, in brief, are that on 13.12.2020 at around 20:45 the deceased Heera Lal Kurre and Anujram Bhardwaj were going to their village on motorcycle bearing Registration No.CG12 AG 2371 and when they reached Bhaisma Main Road, their bike was dashed by the offending truck bearing Registration No. CG12 AX 9507.



Resultantly the deceased persons sustained injuries and succumbed to death.

- 3) **In MAC No.374 of 2023**:- The claimants, who are father and minor children of deceased Heera Lal Kurre filed claim case under Section 166 of the Motor Vehicles Act wherein they pleaded that the age of deceased was 32 years and earning Rs.15,000/- per month. They claimed a sum of Rs.66,55,000/- before the Tribunal.
- 4) **In MAC No.392 of 2023** :- The claimants, who are father, wife and children of deceased Anujram Bharadwaj filed claim case under Section 166 of the Motor Vehicles Act wherein they pleaded that the age of deceased was 45 years and earning Rs.15,000/- per month. They claimed a sum of Rs.65,50,000/- before the Tribunal.
- 5) The insurance company filed reply and denied averments made in the claim petitions.
- 6) The Tribunal framed issues, parties led evidence and thereafter awards were passed.
- 7) **In MAC No.374 of 2023**:- Mr. Singroul, learned counsel for the claimants, submits that the deceased, Heera Lal Kurre, was aged about 32 years at the time of the accident and was a driver earning Rs. 15,000/- per month. He submits that the learned Tribunal assessed the notional income of the deceased at Rs. 8,000/- per month, which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. He further contends that the Tribunal has not granted proper



compensation under the conventional heads and has committed an error of law while granting sum of Rs. 77,000/- towards loss of estate, funeral expenses, and loss of consortium. He, therefore, prays for enhancement of the compensation accordingly.

- 8) **In MAC No.932 of 2023:-** Mr. Singroul, learned counsel for the claimants, submits that the deceased, Anujram Bhardwaj, was aged about 45 years at the time of the accident and was a mason earning Rs. 15,000/- per month. He submits that the learned Tribunal assessed the notional income of Anujram Bhardwaj (deceased) Rs.8,000/- per month, which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. He further contends that the Tribunal has not awarded proper compensation under the conventional heads and has committed an error of law in granting Rs. 77,000/- towards loss of estate, funeral expenses, and loss of consortium. He, therefore, prays for enhancement of the compensation accordingly.
- 9) Ms. Swati Agrawal, learned counsel, contends that there is no documentary evidence to establish that the deceased persons were working as driver and mason and were earning Rs. 15,000/- per month, respectively, therefore, the Tribunal rightly assessed the income of the deceased persons at Rs. 8,000/- per month. She further submits that the Tribunal has awarded just and proper compensation and, therefore, both the appeals deserve to be dismissed.
- 10) I have heard learned counsel for the parties and perused the



record.

MAC No.374 of 2023

11) Admittedly, the age of the deceased was 32 years and he was a driver by profession. The claimants proved the fact by adducing documentary & oral evidence that the deceased was a trained driver; however, they failed to prove, income part Rs.15,000/- per month, therefore, the Tribunal ought to have treated the deceased a skilled labourer. The minimum wage payable to a skilled labourer in the month of December, 2020 was Rs.10,390/- per month and, therefore, the learned Tribunal ought to have considered said figure while assessing the income of the deceased. Further, the learned Tribunal awarded a total sum of Rs. 77,000/- under the conventional heads, comprising Rs. 16,500/- towards loss of estate, Rs. 16,500/- towards funeral expenses, and Rs. 44,000/- towards loss of consortium (love and affection). The compensation awarded by the Tribunal under the conventional heads also warrants reconsideration.

12) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation of **MAC No.392 of 2023** as below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Annual Income	Rs.96,000/- (@Rs.8,000 pm)	Rs. 1,24,680/- (@Rs. 10,390 pm)
2.	Future Prospect	Rs. 38,400/- (@40%)	Rs. 49,872/- (@40%)
3.	Annual income after	Rs. 89,600/-	Rs. 1,16,368/-



	Deduction Towards Personal Expenses	(@1/3)	(@1/3)
4.	Annual Income after Applying Multiplier	Rs. 14,33,664/- (@16)	Rs. 18,61,888/- (@16)
5.	Loss of Consortium (10% enhancement)	Rs.44,000/-	Rs. 1,32,000/- (Three Claimants)
6.	Funeral Expenses	Rs.16,500/-	Rs.16,500/-
7.	Loss of Estate	Rs.16,500/-	Rs.16,500/-
Total		Rs.15,10,664/-	Rs.20,26,888/-

13) Accordingly, the amount of compensation of **Rs. 15,10,664/-** awarded by the Claims Tribunal is enhanced to **Rs. 20,26,888/-**. Hence, the appellants are entitled for an additional amount of **Rs. 5,16,224/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.

MAC No.392 of 2023

14) It is an admitted position that the age of the deceased was 45 years and he was doing the work of *Rajmistri*. The claimant failed to prove income of deceased Rs.15,000/- per month. In the absence of any cogent or reliable evidence regarding the income of the deceased, the Tribunal was required to apply the minimum wages matrix. The minimum wage payable to an unskilled labourer in December, 2020 was ₹8,960/- per month, and therefore, the learned Tribunal ought to have considered the said figure while assessing the income of the deceased. Further, the learned Tribunal has awarded a sum of ₹77,000/- towards loss of estate ₹16,500/-, towards funeral expenses Rs.16,500/-, and only



₹44,000/- towards loss of consortium (love and affection). The compensation awarded by the Tribunal under the conventional heads also warrants reconsideration.

15) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation of **MAC No.392 of 2023** as below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Annual Income	Rs.96,000/- (@Rs.8,000 pm)	Rs. 1,07,520/- (@Rs. 8,960 pm)
2.	Future Prospect	Rs. 24,000/- (@25%)	Rs. 26,880/- (@25%)
3.	Annual income after Deduction Towards Personal Expenses	Rs.90,000/- (@1/4)	Rs. 1,00,800/- (@1/4)
4.	Annual Income after Applying Multiplier	Rs. 12,60,000/- (@14)	Rs. 14,11,200/- (@14)
5.	Treatment of Deceased	Rs.84,099/-	Rs.84,099/-
6.	Loss of Consortium	Rs.44,000	Rs. 2,20,000/- (Five Claimants)
7.	Funeral Expenses	Rs.16,500/-	Rs.16,500/-
8.	Loss of Estate	Rs.16,500/-	Rs.16,500/-
Total		Rs.14,21,099/-	Rs.17,48,299/-

16) Accordingly, the amount of compensation of **Rs. 14,21,099/-** awarded by the Claims Tribunal is enhanced to **Rs. 17,48,299/-**. Hence, the appellants are entitled for an additional amount of **Rs. 3,27,200/-**. The Insurance Company is directed to make payment of



additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.

17) Accordingly, both the appeals are **allowed in part** and the impugned awards are modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Saxena