



2026:CGHC:984

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 614 of 2025

- 1** - Smt. Anima Mandal S/o Prabhash Mandal Aged About 48 Years R/o P.V. 77 Penkodo Maroda, Tahsil Pakhanjoor, District North Bastar Kanker Chhattisgarh. Present Address Murdongri, P.S. And Tahsil Kanker District North Bastar Kanker Chhattisgarh.
- 2** - Prabhash Mandal S/o Binod Mandal Aged About 60 Years R/o P.V. 77 Penkodo Maroda, Tahsil Pakhanjoor, District North Bastar Kanker Chhattisgarh. Present Address Murdongri, P.S. And Tahsil Kanker District North Bastar Kanker Chhattisgarh.
- ... Appellants**

versus

- 1** - Sanjeet Rai S/o Ramesh Rai Aged About 27 Years R/o Shanti Nagar Bande, P.S. Bande, District North Bastar Kanker Chhattisgarh. (Driver)
- 2** - Rahul Mandal S/o Krishna Mandal Aged About 24 Years R/o Bande S.T. Colony, Rohit Kirana Store Bande, P.S. Bande, District North Bastar Kanker Chhattisgarh. (Owner)
- 3** - Branch Manager Tata A.I.G. General Insurance Company Limited, Branch Office 106, 07 Wallford Ozone, Bilaspur, Road, Fafadih Raipur District Raipur Chhattisgarh. (Insurance)
- ... Respondents**

For Appellants/Claimants	: Mr. Pravin Kumar Tulsyan, Advocate
For respondent No.3/Insurance Company	: Mr. Sourabh Sharma, Advocate along with Mr. Sourabh Gupta, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07.01.2026

- 1) Heard.
- 2) The appellants/claimants have filed this appeal for enhancement of compensation against an award passed by the learned First Additional Motor Accidents Claims Tribunal, North Bastar Kanker in Claim Case



No.96/2023 dated 13.11.2024 whereby, the learned Tribunal has passed an award to the tune of Rs.10,72,800/- with interest @ 9% per annum on account of death of Prakash Mandal.

3) Learned counsel appearing for the appellants/claimants would submit that on 10.03.2021, the deceased Prakash Mandal was a pillion rider on a motorcycle bearing registration No.C.G.19-BJ-8555 and its driver namely Sanjeet Rai drove it rashly and negligently, resultantly, he fell down and sustained injuries and during course of treatment died. Mr. Tulsyan would further submit that the parents of the deceased filed a claim case under Section 166 of the Chhattisgarh Motor Vehicles Act, wherein, they pleaded that the age of the deceased was 32 years and earning Rs.10,000/- per month. Mr. Tulsyan would contend that the learned Tribunal assessed the income of the deceased Rs.7,000/- per month which is at lower side. He would further contend that in absence of evidence, learned Tribunal should have applied the minimum wages matrix and the wages admissible to an unskilled labourer in the month of March, 2021 was Rs.8,960/-. He would submit that on other conventional heads, learned Tribunal has granted just and proper compensation. He would pray to enhance the compensation accordingly.

4) On the other hand, Mr. Sharma, learned counsel appearing for the respondent/Insurance Company would oppose the submissions made by Mr. Tulsyan. He would submit 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 the appeal deserves to be dismissed.

- 5) I have heard the learned counsel appearing for the parties and perused the record with utmost circumspection.
- 6) Admittedly, on the date of accident, age of the deceased was 32 years. The deceased was physically well-built person. The claimants could not lead evidence to prove the fact that the deceased was earning Rs.10,000/- per month and therefore, learned Tribunal assessed the income of the deceased Rs.7,000/- per month. In absence of evidence, learned Tribunal should have applied the minimum wages matrix. The wage admissible to an unskilled labourer in the month of March, 2021 was Rs.8960/- and the learned Tribunal should have taken that figure while assessing income of the deceased. On other heads, learned Tribunal has granted just compensation.
- 7) Taking into consideration the above-discussed facts, in my opinion, the compensation requires recomputation and same is being revisited herein below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs.7000x12= Rs.84,000/-	Rs.8960 x 12 = Rs. 1,07,520/-
2.	Future Prospect	40% of 84,000 = 33,600 84,000 + 33,600 =1,17,600	40% of 1,07,520 = 43,008 1,07,520 + 43,008=



			1,50,528
2.	Deduction	(-) 1/2 =Rs. 58,800/- 1,17,600 – 58,800= 58,800	(-) 1/2= Rs.75,264 1,50,528 – 75,264 = 75,264/-
4.	Multiplier	(x) 16 = Rs. 9,40,800	(x) 16 =Rs. 12,04,224/-
5.	Other heads- loss of Consortium (for appellants No.1 & 2)	Rs.48,000 x 2 = 96,000	Rs.48,000x2 = 96,000
6.	Funeral expenses	Rs. 18,000/-	Rs. 18,000/-
7.	Loss of Estate	Rs. 18,000/-	Rs. 18,000/-
8.	Total	Rs. 10,72,800/-	Rs. 13,36,224/-

- 8) Accordingly, the amount of compensation of Rs.10,72,800/- awarded by the Claims Tribunal is enhanced to Rs.13,36,224/-. Hence, after deducting the amount of Rs.10,72,800/-, the appellants are entitled for an additional amount of **Rs.2,63,424/-**. The additional amount of compensation shall carry interest @ 9% per annum from the date of application till the date of its realization. The rest of the terms and conditions of award shall remain intact.
- 9) Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
Judge