



CGHC010126562026



2026:CGHC:31138

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 988 of 2026**

1 - Nirmla Bai Yadav W/o. Lt. Sharad Chandra Yadav Aged About 43 Years (Wife Of Deceased) R/o. Yadav Nagar Tifra P.S.- Sirgitti, Tehsil And District- Bilaspur (C.G.)

2 - Ku. Chandani Yadav D/o. Lt. Sharad Chandra Yadav Aged About 20 Years (Daughter Of Deceased) R/o. Yadav Nagar Tifra P.S.- Sirgitti, Tehsil And District- Bilaspur (C.G.)

3 - Dushyant Kumar Yadav S/o. Lt. Sharad Chandra Yadav Aged About 15 Years (Son Of Deceased) (Through His Mother Applicant No. 1) R/o. Yadav Nagar Tifra P.S.- Sirgitti, Tehsil And District- Bilaspur (C.G.)

... Appellants**versus**

1 - Swapnil Borkute S/o. Pudli K Rao Borkute Aged About 36 Years R/o. Village Kandhali, Tehsil Samundarpur (Samunda), District- Wardha Maharashtra, (Driver And Registered Owner Of Trailer Vehicle No. Mh 40 Cd 4834)

2 - Magma HDI General Insurance Co. Ltd. Through Branch Manager, Branch Office- 1st Floor Indira Tower Vyapar Vihar Raod Bilaspur, Tehsil And District- Bilaspur (C.G.) Insurance Company Trailer Vehicle No. Mh 40 Cd 4834)

... Respondents

For Appellants	:	Mr. H.A.P.S. Bhatia, Advocate.
For Respondents	:	Not noticed.

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.
Order on Board

(22.07.2026)

1. Heard on I.A. No. 01/2026, application for condonation of delay.
2. Upon due consideration and for the reasons mentioned in the application, I.A. No. 01/2026 is allowed and delay of 43 days in filing the instant appeal is condoned.
3. Also heard on admission.
4. This is the claimants' appeal for enhancement against the award dated 13.11.2025 passed by the learned 5th Additional Motor Accident Claims Tribunal, Bilaspur, District - Bilaspur (C.G.) in Motor Accident claim case No. 28/2024, whereby a compensation amount of Rs. 15,95,500/- has been awarded in favour of the claimants.
5. Learned counsel for the appellant submits that the Tribunal erred in assessing the income of the deceased at Rs. 10,100/- per month by applying the minimum wages for an unskilled labourer for the year 2023. It is submitted that the deceased was a labourer, earning Rs. 15,000/- per month. Therefore, his income ought to have been assessed at Rs. 10,360/- per month for an unskilled labourer. On this ground, it is prayed that the compensation awarded by the Tribunal be suitably enhanced.
6. I have heard learned counsel appearing for the appellant and perused the record of the Tribunal including award impugned.
7. After scrutinizing the evidence on record, the Tribunal held that the accident was caused due to the negligence of owner-cum-driver – Swapnil Borkute, respondent No. 1, while unloading the stones from the truck No. MH-40-CD-4834. The deceased, Sharad Chand Yadav, sustained grievous injuries in the said accident dated 09.12.2023 and succumbed to the injuries. The claimants contended that the deceased was working as a labourer and earning Rs. 15,000/- per month. However, they failed to produce any documentary evidence in support thereof. Therefore, the Tribunal, considering that the deceased was married, taking the age of the deceased as 43 years as per the Postmortem Report Ex.P-7, assessed the notional income of the deceased at Rs. 10,100/- per month, being the minimum wages

for an unskilled labourer as on the date of accident i.e. 09.12.2023. Accordingly, the total compensation has been calculated as under:-

Sl. No.	Heads	Compensation
01	Annual notional income of the deceased (10,100x12)	=Rs.1,21,200/-
02	After adding 25% i.e. Rs. 30,300/- towards future prospect annual income of the deceased (Rs. 1,21,200+30,300)	=Rs. 1,51,500/-
03	Loss of future income of the deceased after deduction of 1/3rd i.e. Rs. 50,500/- for personal expenses (Rs. 1,51,500-50,500)	=Rs. 1,01,000/-
04	Total loss of dependency after applying multiplier of 14 (1,01,000x14)	=Rs. 14,14,000/-
05	Towards funeral expenses	Rs.18,150/-
06	Towards loss of estate	Rs. 18,150/-
07	Towards loss of love and affection to all claimants (48,400x3)	Rs. 1,45,200/-
	Total (4+5+6+7)	Rs. 15,95,500/-

8. On a careful consideration of the material on record, it is apparent that no documentary evidence is available to hold that the deceased was earning Rs. 15,000/- per month. As such, this Court finds that the Tribunal has properly appreciated the evidence and the compensation awarded is just and reasonable. There is no infirmity in the impugned award warranting interference.
9. Accordingly, the appeal of the appellant is hereby **dismissed** at the admission stage itself.

Sd/-
Sanjay Kumar Jaiswal
Judge

H.L. Sahu