



2026:CGHC:10111



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 569 of 2022**

1 - Hirde Ram Nag S/o Late Shri Dukhuram Nag, Aged About 50 Years R/o Village And Post Musurputta, Thana And Tahsil Narharpur, District North Bastar Kanker (Chhattisgarh)

2 - Smt. Biran Bai W/o Shri Hirde Ram Nag Aged About 45 Years R/o Village And Post Musurputta, Thana And Tahsil Narharpur, District North Bastar Kanker (Chhattisgarh)

... Appellants**Versus**

1 - Naresh Dahariya S/o Late Shri Banshilal Dahariya, Aged About 38 Years R/o Village Bhakhara, Thana And Tahsil Bhakhara, District : Dhamtari, Chhattisgarh.....(Driver Of Vehicle No. CG-27-G-0164)

2 - Barun Mairi S/o Shri N.G. Mairi, R/o Main Road Kondagaon, District : Kondagaon, Chhattisgarh.....(Owner Of Vehicle No. CG-27-G-0164)

3 - The Oriental Insurance Company Limited, Divisional Office M.V. Trade Building Dhamtari, District : Dhamtari, Chhattisgarh.....(Insurer Of Vehicle No. CG-27-G-0164)

... Respondents

For Appellants/Claimants	:	Mr. Rajendra Patel, Advocate holding the brief of Mr. Sunil Sahu, Advocate
For Respondent No. 3/Insurance Company	:	Mr. Anil Gulati, Advocate
For Respondents No. 1 and 2 / Driver and Owner	:	None, though served

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

26/02/2026

1. This appeal has been filed under Section 173 of the Motor Vehicles Act by the appellants/claimants for enhancement of compensation



assailing the judgment and award passed by the learned Motor Accident Claims Tribunal, North Bastar, Kanker, District North Bastar in Claim Case No. 07/2021 dated 17.03.2022 whereby the learned Claims Tribunal has granted compensation to the tune of Rs.3,62,500/- with interest @ 6% per annum on account of death of Kamlesh Kumar Nag.

2. The claimants are parents of deceased- Kamlesh Kumar Nag. They filed claim case under Section 166 of the Motor Vehicles Act, wherein they pleaded that at the time of accident, age of the deceased was 20 years. They further pleaded that on 09.03.2020 while deceased was returning to his Village Musurputta from Village Ghotiyawahi on his motorcycle bearing registration No. CG-19/ BJ-2783, at about 08:00 am, near Dhudhwabandh, the driver of offending pickup bearing registration No. CG-27 / G-0164 by driving it rashly and negligently dashed the motorcycle of the deceased, resultantly he sustained grievous injuries and succumbed to death. The claimants pleaded that the deceased was a student of Class 12th and earning Rs.6,000/- per month by doing the work of labour and agriculture.
3. The Insurance Company as well as owner of the offending vehicle filed reply and denied averments made in the claim petition. The Claims Tribunal framed issues, parties led evidence and thereafter the award was passed.
4. Mr. Rajendra Patel, learned counsel appearing for the appellants/claimants would submit that the deceased met with an accident on 09.03.2020 as his motorcycle was dashed by the offending pickup bearing registration No. CG-27 / G-0164. He would contend that at the time of accident, age of the deceased was 20 years and he



was bachelor and earning Rs.6,000/- per month by doing the work of labour and agriculture. He would further submit that the learned Claims Tribunal committed error of law while assessing the income of the deceased Rs.6,000/- per month which is at lower side. He would contend that minimum wage admissible to an unskilled labour in the month of March 2020 was Rs.8,600/-. He would further submit that the learned Claims Tribunal ought to have considered that figure while assessing the income of the deceased. It is argued that the learned Claims Tribunal has granted consortium to one of the claimants. It is also argued that no amount towards future prospect has been granted to the Claimants by the learned Claims Tribunal. He would pray to enhance the compensation accordingly.

5. On the other hand, Mr. Anil Gulati, learned counsel appearing for respondent No. 3/Insurance Company would oppose. He would submit that the claimants have specifically pleaded that the deceased was earning Rs.6,000/- per month, therefore, in appeal they cannot claim compensation based on minimum wages matrix. He would submit that the learned Claims Tribunal has awarded just and proper compensation, therefore, the appeal deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the record of the learned Claims Tribunal with utmost circumspection.
7. The claimants pleaded that the deceased was earning Rs.6,000/- per month and he was a student of Class 12th. The minimum wages matrix admissible to unskilled labourer in the month of March 2020 was Rs.8,600/-. Though the claimants pleaded that income of deceased Rs.6,000/- per month, but this Court while exercising appellate power may grant just and proper compensation. As the learned Claims



Tribunal failed to assess appropriate income of the deceased, it would be appropriate to consider the income of the deceased applying minimum wage matrix. The minimum wage admissible to unskilled labour in the month of March 2020 was Rs.8,600/- and that amount would be appropriate amount to consider the income of the deceased. The learned Claims Tribunal has not granted separate compensation for loss of consortium to one of the claimants. Thus, the claimants would be entitled for an additional amount of Rs.40,000/- + 10% on this head. The claimants would be further entitled for 40% additional amount of income for future prospects. Further, the learned Claims Tribunal has found 50% contributory negligence on the part of the deceased and that finding is hereby confirmed, therefore, the claimants would be entitled 50% amount assessed by this Court.

8. Thus, in light of the aforesaid discussion, the compensation awarded by the learned Claims Tribunal requires reconsideration and same is being revisited herein below:-

Sr. No.	Heads	Compensation awarded by the Claims Tribunal	Compensation awarded by this Court
1.	Monthly income as per minimum wages	Rs.6,000/-	Rs.8,600/-
2.	Annual Income	Rs.6,000/- x 12 = Rs.72,000/-	Rs.8,600/- x 12 = Rs.1,03,200/-
3.	Future prospects @ 40%	- Nil -	Rs.1,03,200/- + Rs.41,280/-= Rs.1,44,480/-
4.	Deduction of 1/2 towards personal and living expenses	Rs.72,000/- - Rs.36,000/-= Rs.36,000/-	Rs.1,44,480/- - Rs.72,240/-= Rs.72,240/-
5.	Multiplier of 18	Rs.36,000/- x 18 = Rs.6,48,000/-	Rs.72,240/- x 18 = Rs.13,00,320/-



6.	Loss of estate	Rs.16,500/-	Rs.16,500/-
7.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
8.	Loss of consortium	<u>One of the claimant</u> Rs.44,000/-	<u>Both claimants</u> Rs.88,000/-
Total :		Rs.7,25,000/-	Rs.14,21,320/-
50% deduction towards contributory negligence		Rs.7,25,000/- - Rs.3,62,500/- = Rs.3,62,500/-	Rs.14,21,320/- - 7,10,660/-= Rs.7,10,660/-
Total Compensation awarded to the Claimants		Rs.3,62,500/-	Rs.7,10,660/-

9. In view of the aforesaid analysis, the amount of compensation of Rs.3,62,500/- awarded by the Claims Tribunal is enhanced to Rs.7,10,660/-. Hence, after deducting the amount of Rs.3,62,500/-, the appellants/claimants are entitled for an additional amount of **Rs.3,48,160/-**. The concerned respondents are directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this judgment. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
10. In the result, the appeal is allowed in part with modification in the impugned award to the above extent.

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