



2026:CGHC:9576



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 799 of 2024**

1 - Smt. Sahvati Baghel W/o Late Shri Dhansing Baghel Aged About 33 Years R/o Kohkapal, Taraipara, Police Station Bakavand District- Bastar C.G.

2 - Tularam Bahel S/o Late Shri Dhansing Bahel Aged About 19 Years R/o Kohkapal, Taraipara, Police Station Bakavand District- Bastar C.G.

... Appellants**Versus**

1 - Amit Tagore S/o Shri Ramnarayan Tagore, Aged About 32 Years Manager Bank Of Baroda, R/o Ward No. 09, New Bhakti Nagar, Village Dhanora, Police- Padmanabhpur, Durg- District- Durg C.G. (Vehicle Driver And Owner)

2 - The Oriental Insurance Company Limited, Through- Branch Manager, Branch Office, Hotel Lakshman Avenue, Jagdalpur District- Bastar C.G. (Insurance Company)

... Respondents

For Appellants/Claimants	:	Mr. Shikhar Shukla, Advocate
For Respondent No. 1/Driver- : cum-Owner	:	Mr. Vikash A. Srivastava, Advocate
For Respondent No. 2/Insurance : Company	:	Ms. Suchi Ramteke, Advocate holding the brief of Mr. Anupam Dubey, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

24/02/2026

- The appellants/claimants have filed this appeal under Section 173 of the Motor Vehicles Act for enhancement of compensation against the judgment and award passed by the learned IIIrd Additional Motor Accident Claims Tribunal, Bastar, Place Jagdalpur (C.G.) in Claim Case No. 276/2021 dated 02.02.2024, whereby the learned Claims



Tribunal has passed an award to the tune of Rs.12,91,000/- with interest @ 9% per annum on account of death of Dhansing Baghel.

2. The claimants are widow and major son of deceased- Dhansing Baghel. 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 34 years. They further pleaded that on 25.02.2021 while deceased along with Tularam Nag and Sahvati was returning to his Village Kohkapal from Kolchur on motorcycle bearing registration No. CG-17/ KA-5549, at about 10-11:00 pm, near Parauguda Bhairam Mandir, the driver of offending motorcycle bearing registration No. CG-07 / AV-8904 by driving it rashly and negligently dashed the motorcycle in which the deceased was a pillion rider, resultantly he sustained grievous injuries and succumbed to death on 26.02,2021 during his treatment in the Maharani Hospital Jagdalpur. The claimants pleaded that the deceased was earning Rs.15,000/- per month by doing the work of labour and agriculture.
3. Mr. Shikhar Shukla, learned counsel appearing for the appellants/claimants would submit that the learned Claims Tribunal assessed the income of the deceased Rs.9,000/- per month which is at lower side. He would contend that minimum wage admissible to an unskilled labour in the month of February 2021 was Rs.9,480/-. He would further submit that the learned Claims Tribunal ought to have considered that figure while assessing the income of the deceased. He would further contend that the learned Claims Tribunal has granted meager amount towards conventional heads. He would pray to modify the award by enhancing the compensation.



4. On the other hand, learned counsel appearing for the respective respondents would oppose. They would contend that the learned Claims Tribunal has awarded just and proper compensation. They would submit that the appeal deserves to be dismissed.
5. I have heard learned counsel appearing for the respective parties and perused the record of the learned Claims Tribunal.
6. Admittedly, the claimants could not prove the fact that the deceased was earning Rs.15,000/- per month. The learned Claims Tribunal assessed the notional income of the deceased Rs.9,000/- per month which is at lower side. In my opinion, the learned Claims Tribunal ought to have considered the notional income of the deceased applying the minimum wages matrix. The minimum wage admissible to an unskilled labour in the month of February, 2021 was Rs.9,480/- and the learned Claims Tribunal should have taken that figure while computing the compensation. On the other heads, the learned Claims Tribunal has granted just and proper compensation. Accordingly, the compensation requires reconsideration and same is being revisited as under:-

Sr. No.	Heads	Compensation awarded by the Claims Tribunal	Compensation awarded by this Court
1.	Income as per minimum wages	Rs.9,000/- per month	Rs.9,480/- per month
2.	Annual Income	Rs.9,000/- x 12= Rs.1,08,000/-	Rs.9,480/- x 12 = Rs.1,13,760/-
3.	Deduction of 1/3 towards personal and living expenses	Rs.,1,08,000/- - Rs.36,000/- = Rs.72,000/-	Rs.1,13,760/- - Rs.37,920/-= Rs.75,840/-



4.	Future prospects @ 25%	Rs.72,000/- + Rs.18,000/-= Rs.90,000/-	Rs.75,840/- + Rs.18,960/-= Rs.94,800/-
5.	Multiplier by 13	Rs.90,000/- x 13 = Rs.11,70,000/-	Rs.94,800/- x 13 = Rs.12,32,400/-
6.	Loss of estate	Rs.16,500/-	Rs.16,500/-
7.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
8.	Loss of consortium	Rs.88,000/-	Rs.88,000/-
Total :		Rs.12,91,000/-	Rs.13,53,400/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.12,91,000/- awarded by the Claims Tribunal is enhanced to Rs.13,53,400/-. Hence, after deducting the amount of Rs.12,91,000/-, the appellants/claimants are entitled for an additional amount of **Rs.62,400/-**. 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 @ 9% 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.
8. In the result, the appeal is **allowed in part** with modification in the impugned award to the above extent.

Sd/-
(Rakesh Mohan Pandey)
Judge