



2026:CGHC:20657

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 942 of 2019**

**1** - Smt. Yogita Sahu, W/o. Late Shri Ramnarayan Sahu, Aged About 46 Years, R/o. Gautiya Para, Ward No. 2, Uparwara, Police Station Rakhi, District Raipur, Chhattisgarh.

**2** - Ku. Payal Sahu, D/o. Late Shri Ramnarayan Sahu, Aged About 23 Years, R/o. Gautiya Para, Ward No. 2, Uparwara, Police Station Rakhi, District Raipur, Chhattisgarh.

**3** - Harshbardhan Sahu, S/o. Late Shri Ramnarayan Sahu, Aged About 20 Years, R/o. Gautiya Para, Ward No. 2, Uparwara, Police Station Rakhi, District Raipur, Chhattisgarh.

**... Appellants****versus**

**1** - Santosh Kumar Kewat, S/o. Amrika Ram Kewat, R/o. Village Kutena, Panduka, Tehsil Rajim, Police Station Rajim, District Gariyabandh, Chhattisgarh. Driver of Vehicle No. CG/04/DM/3788

**2** - M/s Chandra Raj Agency, Chandra Kamal Singhaniya, S/o. Laxminarayan Singhaniya, Near Bharat Mata School, Telibandha, G.E. Road, District Raipur .....Owner of Vehicle No. CG/04/DM/3788.



3 - Bharti A.X.A. Insurance Company Ltd. Chawla Complex, First Floor, Devendra Nagar, Road, District Raipur, Chhattisgarh. Insurer of Vehicle No. CG/04/DM/3788.

**... Respondents**

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For Appellants	:	Ms. Swati Rani Saraf, Advocate on behalf of Mr. Devershi Thakur, Advocate
For Respondent No.3	:	Mr. Palash Agrawal, Advocate on behalf of Mr. Shekhar Rao Saheb Amin, Advocate

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**(Single Bench)**

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Judgment on Board**

**04.05.2026**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/ claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 27.10.2018 passed by learned Third Motor Accident Claims Tribunal, Raipur in Claim Case No. 442/2016, by which the claim application of the claimants has been allowed and an amount of compensation to the tune of Rs. 4,68,600/- has been awarded to the claimants for the death of Laxmikant @ Laxminarayan Sahu, aged about 24 years, at the time of accident.
2. Appellants, who are mother, sister & brother of deceased Laxmikant @ Laxminarayan Sahu filed an application under



Section 166 of the Act of 1988 before the Motor Accident Claims Tribunal (for brevity “Claims Tribunal”) seeking compensation to the tune of Rs. 23,50,000/- pleading therein that on the date of accident, deceased Laxmikant @ Laxminarayan Sahu, aged about 24 years, was sole bread earner of the family and on account of his untimely death in the accident, the appellants have suffered economical and psychological difficulties.

- 3.** Learned Claims Tribunal, upon appreciation of pleadings and evidence placed on record by respective parties, held that deceased Laxminarayan Sahu died in the accident arising out of rash & negligent driving of the offending vehicle driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3 herein. Breach of conditions of insurance policy was not found to be proved and after calculating the amount of compensation, the learned Claims Tribunal has awarded Rs. 9,37,200/-, however, considering the ratio of contributory negligence up to 50:50, the claimants are held to be entitled Rs. 4,68,600/- with interest @ 7.5% per annum from the date of filing of claim application.
- 4.** Ms. Swati Rani Saraf, learned counsel appearing for the appellants, would submit that the learned Claims Tribunal has awarded very meager amount, as the Claims Tribunal erred in assessing the income of deceased to be Rs.6,000/- per month, which ought to



have been taken Rs. 7,500/- per month, as per the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh as the deceased was working as Supervisor. Therefore, the instant appeal be allowed and the amount of compensation awarded by the learned Claims Tribunal be enhanced suitably.

- 5.** Mr. Palash Agrawal, learned counsel appearing for the respondent No.3/ insurance company, would submit that the appellants have failed to prove the exact income of deceased by producing clinching and admissible piece of evidence, hence, the learned Claims Tribunal is justified in assessing income of deceased on notional basis. The amount of compensation awarded by the learned Claims Tribunal is just and proper, which does not call for any interference.
- 6.** The owner of the vehicle i.e. respondent No.2 though served but not represented.
- 7.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records minutely.
- 8.** Learned Claims Tribunal has assessed the monthly income of deceased Laxmikant @ Laxminarayan Sahu to be Rs. 6,000/- per month, however, in the opinion of this Court, as per the



Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs. 7,500/- per month. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi<sup>1</sup>**, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors<sup>2</sup>** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors<sup>3</sup>**, this Court is re-computing the compensation as below:-

<b>Heads</b>	<b>Compensation awarded by the Tribunal</b>	<b>Compensation awarded by this Court</b>
Income as per minimum wages	Rs. 6,000/- per month Rs. 6,000 x 12 = 72,000/- per annum	Rs. 7,500 per month Rs. 7,500 x 12 = Rs. 90,000/- per annum
Add future prospects @ 40%	Rs. 72,000 + Rs. 28,800 = Rs. 1,00,800/-	Rs. 90,000 + Rs. 36,000 = Rs. 1,26,000/-
Deduction towards personal expenses	@ 1/2 : Rs. 1,00,800 – 50,400 = Rs.50,400/-	@ 1/3 :- Rs. 1,26,000 – 42,000 = Rs. 84,000/-
Multiplier of 18	Rs. 50,400 x 18 = Rs. 9,07,200/-	Rs. 84,000 x 18 = Rs. 15,12,000/-
Loss of consortium	Nil	Rs. 40,000/- (Claimant No.1)
Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



Total	Rs. 9,37,200/-	Rs. 15,82,000/-
Total amount awarded	Rs. 9,37,200 – 50% towards contributory negligence i.e. <b>Rs. 4,68,600/-</b>	Rs. 15,82,000 – 50% towards contributory negligence i.e. <b>Rs. 7,91,000/-</b>

- 9.** In view of the aforesaid analysis, the amount of compensation of **Rs. 4,68,600/-** awarded by the Claims Tribunal is enhanced to **Rs. 7,91,000/-**. Hence, after deducting the amount of **Rs. 4,68,600/-** already awarded by the Claims Tribunal, the appellants are entitled for an additional amount of **Rs.3,22,400/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days. The additional amount of compensation shall carry interest @ 7.5% *per annum* from the date of filing of claim application before the Tribunal till its realization. However, it is directed that the insurance company shall first pay the amount of compensation and thereafter, recover from the same from the owner of the vehicle, as per law. Rest of the conditions of the impugned award shall remain intact.
- 10.** Accordingly, this appeal is partly allowed and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**

Ashok