



2026:CGHC:16416

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**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 905 of 2019**

**1** - Hemchandra Shrivastava S/o Narmada Prasad Shrivastava Aged About 59 Years R/o Devendra Nagar, Behind Power House, Ameri Road, Nehru Nagar, Bilaspur, Present Address Mahapour Para, Ambikapur, Police Station And Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**2** - Ku. Priyanka Shrivastava D/o Hemchandra Shrivastava Aged About 26 Years R/o Devendra Nagar, Behind Power House, Ameri Road, Nehru Nagar, Bilaspur, Present Address Mahapour Para, Ambikapur, Police Station And Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**3** - Hardik Shrivastava S/o Hemchandra Shrivastava Aged About 24 Years R/o Devendra Nagar, Behind Power House, Ameri Road, Nehru Nagar, Bilaspur, Present Address Mahapour Para, Ambikapur, Police Station And Tahsil Ambikapur District Surguja Chhattisgarh. (Claimants), District : Surguja (Ambikapur), Chhattisgarh

--- **Appellant (s)****versus**

1 - Vikas Jaiswal S/o Pramod Jaiswal Aged About 30 Years R/o Near Jain Mandir Kurumkera, Bagicha, Police Station And Tahsil Bagicha, District Jashpur Chhattisgarh. (Driver), District : Jashpur, Chhattisgarh

2 - Jhurna Sahu W/o Yugal Kishor Sahu, R/o Behind Shiv Mandir Purena, Raipur, District Raipur Chhattisgarh. (Owner), District : Raipur, Chhattisgarh

3 - Branch Manager The New India Insurance Company Limited, Ambikapur, District Surguja Chhattisgarh. (Insurance Company), District : Surguja (Ambikapur), Chhattisgarh

--- Respondent(s)

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For Appellant(s) : Ms. Shruti Shrivastava, Advocate

For Respondent(s) : Ms. Suchi Ramteke on behalf of Mr. B.N. Nande,  
Advocates

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

**Judgment On Board**

**09.04.2026**

1. Appellants/claimants have preferred this appeal under Section 173 of the Motor Vehicle Act, 1988 seeking enhancement of compensation, challenging the impugned award dated 28/02/2019 passed by learned Additional Motor Accident Claims Tribunal (FTC) Ambikapur in Claim Case No. 13/2018 whereby compensation of Rs. 11,36,256/- has been awarded in favour of the appellants/claimants for the death of Snehlata Shrivastava.

- 2.** Learned counsel for the appellants/claimants would submit that the Claims Tribunal has erred in assessing monthly income of the deceased as Rs. 4,500/- as in accordance with the minimum wages notification prevailing on the date of the accident, the monthly income of the deceased would be Rs. 6,549/-. Similarly, the Claims Tribunal has not granted parental consortium whereas Rs. 40,000/- x 2 = Rs. 80,000/- ought to have been granted under parental consortium. As such, the amount of compensation may suitably be enhanced.
- 3.** Learned counsel for respondent No. 3 would support the impugned award and submit that the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 5.** A careful perusal of the impugned award would show that the Claims Tribunal has taken monthly income of the deceased as Rs. 4,500/- whereas it ought to have been taken as Rs. 6,549/- as per the minimum wage notification prevailing on the date of the accident. Similarly, no compensation has been awarded by the Tribunal under loss of parental consortium whereas it ought to have granted Rs. 40,000/- x 2 = Rs. 80,000/- under loss of consortium. Thus, this Court is re-computing the compensation as stated below :-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	Rs. 4,500/- x 12 = Rs. 54,000/-	Rs. 6,549/- x 12 = Rs. 78,588/-
2.	Future Prospect	(+) 10% i.e. Rs. 5,400/- = Rs. 59,400/-	(+) 10% i.e. Rs. 7858.8/- = Rs. 86,446.8/-
4.	Deduction	(-) ½ = Rs. 29,700/-	(-) ½ = 43,223.4/-
5.	Multiplier	(x) 9 = Rs. 2,67,300/-	(x) 9 = Rs. 3,89,010.6/-
6.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
7.	Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-
8.	Loss of Spousal Consortium	Rs. 40,000/-	Rs. 40,000/-
	Loss of Parental Consortium	NIL	Rs. 80,000/-
	Medical Expenses	Rs. 3,78,256/-	Rs. 3,78,256/-
	Physical and Mental Pain and Suffering	Rs. 10,000/-	Rs. 15,000/-
	Attendant's fee	Rs. 3,200/-	Rs. 10,000/-
	Nutritional Food	Rs. 2,500/-	Rs. 5,000/-
	Travelling Expenses	Rs. 5,000/-	Rs. 5,000/-
	Revised invoice of Safe Fly Aviation Services (P) Ltd.	Rs. 4,00,000/-	Rs. 4,00,000/-
	<b>Total</b>	<b>Rs. 11,36,256/-</b>	<b>Rs. 13,52,266.6/-</b>

**6.** In view of the aforesaid analysis, the amount of compensation of Rs. 11,36,256/- awarded by the Claims Tribunal is enhanced to Rs. 13,52,266.6/-. Hence, the claimants are held entitled for an additional compensation of **Rs. 2,16,010.6/-**. Respondent No. 3 is

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 order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal i.e. 08/01/2018 till its realization. Rest of the conditions of the impugned award shall remain intact.

- 7.** Accordingly, this appeal is allowed to the extent indicated herein-above and the impugned award is modified.

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

Harneet