



2026:CGHC:35034



CGHC010149712021

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 351 of 2021

1 - Smt. Sarita Bai Netam W/o Late Tumesh Kumar Netam Aged About 27 Years Occupation -Housewife, Caste- Gond. R/o Village- Sadak Chirchari, Tehsil- Chhuria, P.S.- Baghnadi, District- Rajnandgaon, Chhattisgarh

2 - Harsh Kumar Netam S/o Late Tumesh Kumar Netam Aged About 5 Years R/o Village- Sadak Chirchari, Tehsil- Chhuria, P.S.- Baghnadi, District- Rajnandgaon, Chhattisgarh

3 - Ku. Pihu Netam D/o Late Tumesh Kumar Netam Aged About 1 Years R/o Village- Sadak Chirchari, Tehsil- Chhuria, P.S.- Baghnadi, District- Rajnandgaon, Chhattisgarh

4 - Rohit Kumar Netam S/o Gopal Netam Aged About 54 Years R/o Village- Sadak Chirchari, Tehsil- Chhuria, P.S.- Baghnadi, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

5 - Smt. Durdeshnin Bai Netam W/o Rohit Kumar Netam Aged About 47 Years Occupation- Housewife, Caste- Gond. R/o Village- Sadak Chirchari, Tehsil- Chhuria, P.S.- Baghnadi, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Appellants

**versus**

1 - Virendra Yadav S/o Bliram Yadav Aged About 26 Years R/o Village- Kothitola, Tehsil- Chhuria, District-Rajnandgaon, Chhattisgarh. (Driver Of Offending Vehicle- Cg- 08-P-0237)

2 - Aziz Agriculture Farm Through The Director, R/o Village- Baldev Bagh, Tehsil And District- Rajnandgaon, Chhattisgarh. Owner Of Offending Vehicle- Cg- 08- P-0237)

3 - The New India Insurance Company Limited Through- Branch Manager, Branch Office - Rajnandgaon, 1st Floor, Chhattisgarh Housing Board Commercial Complex, New Bus Stand, G.E. Road, Tehsil And District- Rajnandgaon, Chhattisgarh.

--- **Respondent(s)**

For Appellants	:	Mr. Khilendra Sahu, Advocate on behalf of Mr. S.S. Baghel, Advocate
For Respondents No.1 & 2	:	None
For Respondents No.3	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(10.08.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 02.02.2021, passed in Claim Case No.90/2019, whereby the learned Claims Tribunal has awarded a total sum of Rs.13,55,200/- as compensation for death of Umesh Netam who was aged about 29 years and died in a road accident



which took place on 24.04.2019.

2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side and has also awarded lesser amount under other conventional heads, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.
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. In the case at hand, true it is that the learned Tribunal has taken the monthly income of the deceased to be Rs.6,000/-, which ought to be Rs.8,400/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh. Furthermore, in other conventional heads the Tribunal has granted only Rs.70,000 which ought to be 2,30,000/-, to that extent the impugned award needs to be modified.
6. 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 Sethi¹**,

¹ (2017) 16 SCC 680



Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 6000 x 12 = 72,000/-	Rs. 8400 x 12 = 1,00,800/-
2.	Future prospect	(+)40% (i.e. Rs. 28,800) = 1,00,800/-	(+)40% (i.e. Rs. 40,320) = 1,41,120/-
3.	Deduction	(-) 1/4 (i.e. 25200) = 75,600/-	(-) 1/4 (i.e. 35280) = 1,05,840/-
4.	Multiplier	(x) 17 = 12,85,200/-	(x) 17 = 17,99,280/-
5	Other conventional heads	Rs. 70,000/-	Rs. 2,30,000/- (15000+15000+200000)
	Total	Rs. 13,55,200/-	Rs. 20,29,280/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.13,55,200/- awarded by the Claims Tribunal is enhanced to Rs.20,29,280/-. Hence, after deducting the amount of Rs.13,55,200/-, the appellants are held entitled for an additional amount of Rs.6,74,080/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



conditions of the impugned award shall remain intact.

8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
9. The Registry is directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

-Shubham