



2026:CGHC:18902



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 916 of 2019

1. Sahodar Singh S/o Late Tekram, Aged About 54 Years;
 2. Ku. Leelavati Singh D/o Sahodar, Aged About 16 Years;
 3. Ghanshyam S/o Sahodar Aged About 12 Years;
- Appellants No.2 & 3 are Minor, Through Natural Guardian Father
Appellant No. 1 Sahodar Singh Son Of Late Tekram,
All are By Caste - Gond, R/o Village Sonpur (Pipardand), Police Station
And Tahsil Surajpur, District Surajpur Chhattisgarh. (Claimants).

... Appellants

versus

1. Samay Lal Rajwade S/o Dube Ram Rajwade, Aged About 38 Years,
Occupation Driver, R/o Tendupara, Police Station And Tahsil Surajpur,
District Surajpur Chhattisgarh. (Driver).
2. Santosh Kumar Pathak S/o Lalji Pathak, Aged About 50 Years, Caste
Brahman, Occupation Vehicle Owner, R/o Shivnandanpur, Police
Station And Tahsil Vishrampur, District Surajpur, Chhattisgarh.
(Owner).
3. The Oriental Insurance Company Limited Through Branch Manager
Divisional Office, Manendragarh Road, Near Ambedkar Chowk,
Ambikapur District Surguja Chhattisgarh. (Insurer).

... Respondents

For Appellants	:- Mr. Praveen Dhurandhar, Advocate.
For Respondent No.3	:- Mr. Anil Gulati, Advocate.



SB- Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board

24.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short “Act of 1988”) has been preferred by the appellants/claimants, seeking enhancement in the amount of compensation by challenging the impugned award dated 31.01.2019 passed by the 1st Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur, Chhattisgarh (for short “Claims Tribunal”) in Claim Case No. 103/2017 whereby learned Claims Tribunal has allowed the claimants’ application and awarded a sum of ₹3,71,000/- as compensation along with interest for death of Basanti.
2. Mr. Praveen Dhurandhar, learned counsel for the appellants, would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the present cases. He would also submit that the Claims Tribunal erred in assessing income of the deceased ₹4,000/- per month which should be ₹8,060/- per month as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. He would further submit that under the head of consortium to husband and children less amount has been awarded by the Claims Tribunal, which is liable to be enhanced. Furthermore, the findings recorded by the Claims Tribunal is liable to be set aside as after deducting 1/3



dependency, 50% of the salary of the deceased again deducted by the Claims Tribunal. Therefore, the appeal filed by the claimants deserves to be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Mr. Anil Gulati, learned counsel for the Insurance Company, would oppose the prayer made by learned counsel for the appellant and submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.
4. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records meticulously.
5. Learned Claims Tribunal assessed the monthly income of deceased to be ₹4,000/- 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 ₹8,060/- (as per minimum wages prescribed at relevant time) and ₹96,720/- per annum. Furthermore, the Claims Tribunal has awarded less amount under the head of consortium to the husband and children which is liable to be awarded and enhanced. Furthermore, the finding of the Claims Tribunal recorded at para 26 of the impugned award is hereby set aside.



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, 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	₹4,000x12 = ₹ 48,000/-	₹8,060x12= ₹96,720/-
2.	Future Prospect	NIL	(+) 40% =38,688/- Total = ₹96,720+38,688= ₹1,35,408/-
3.	Deduction	(-) 1/3 = ₹16,000/-; Total 48,000-16,000 = ₹32,000/-	(-)1/3 = ₹45,136/-; Total = 1,35,408-45,136= ₹90,272/-
4.	Multiplier	(x) 16 = ₹5,12,000/-	(x) 16 = ₹14,44,352/-
5.	Expenses on dependents	(-) 50% = ₹2,56,000/-; Total ₹5,12,000-2,56,000 = ₹2,56,000	NIL
5.	Loss of Estate & Funeral Expenses	₹30,000/-	₹30,000/-
6.	Consortium to husband	₹40,000/-	₹48,000/-
7.	Love and affection to appellants (Consortium to children)	₹15,000x3 = ₹45,000/-	₹48,000x2 = ₹96,000/-
8.	Total	₹3,71,000/-	₹16,18,352/-

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

³ (2018) 18 SCC 130



7. In view of the aforesaid analysis, the amount of compensation of **₹3,71,000/-** awarded by the Claims Tribunal is enhanced to **₹16,18,352/-**. Hence, after deducting the amount of **₹3,71,000/-**, the appellants/claimants are held to be entitled to an additional amount of **₹12,47,352/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of copy of this order. 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. Accordingly, the appeal filed by the claimants is allowed in part and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit