



2025:CGHC:39130



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 386 of 2021

1 - Mohammad Aarif Anshari S/o Sharif Ahmad Aged About 44 Years Permanent Add. House No. 291 Plotpara, Ward No. 05 Farasgaon District Kondagaon And Bhandaripara Kanker District Kanker Chhattisgarh Present Add. Ward No. 48 Jagdalpur Post Office Jagdalpur District Bastar Chhattisgarh. (Claimant), District : Bastar(Jagdalpur), Chhattisgarh

... Appellant

Versus

1 - Aajuram Patre S/o Heera Man Patre R/o Mini Basti Guru Ghasidas Nagar Mangal Bhavan Jaharbhata Ward No. 07 Bilaspur District Bilaspur C.G. (Driver Of The Mahindra Scorpio No. C.G. 04 Kz-1200)., District : Bilaspur, Chhattisgarh

2 - Yogesh Kumar Gayakwad S/o Malikram Gayakwad Present Add. House No. B - 80 Gayatri Nagar Near Jaggannath Temple P.O. Raipur District Raipur Chhattisgarh Parmanent R/o Panna Nagar Bilaspur District Bilaspur Chhattisgarh. (Owner Of The Mahindra Scorpio No. Cg 04 Kz-1200)., District : Bilaspur, Chhattisgarh

3 - The New India Insurance Co. Ltd. Through Branch Manager Branch Office Aakashwani Road, Above Axix Bank Naya Para Jagdalpur District Bastar Chhattisgarh. (Insurance Of The Mahindra Scorpio No. C.G. -04 Kz - 1200)., District : Bastar(Jagdalpur), Chhattisgarh

... Respondents

For Appellant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent No. 2	:	Mr. Shubhank Tiwari, Advocate
For Respondent No. 3	:	Mr. Bharat Rajput, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

06/08/2025



1. Appellant/Claimant filed this appeal seeking enhancement of the amount of compensation awarded by the learned Claims Tribunal in its award dated 12.02.2021 passed by the 1st Additional Motor Accident Claims Tribunal, Jagdalpur, District – Bastar (C.G.) in Claim Case No. 99/2018.
2. Motor-accidental injuries suffered by the appellant, involvement of offending vehicle, Respondent No. 3/Non-Applicant No. 3 to be insurer of the offending vehicle and liability to satisfy the amount of compensation upon Non-Applicant No. 3/Insurance Company is not in dispute, hence, this Court is not adverting to the facts as pleaded in the claim application, reply and discussed by the Tribunal in the impugned award. However, this Court is only considering the grounds raised by the counsel for appellant seeking enhancement of the amount of compensation and submissions of counsels for the respective parties in this regard.
3. Learned counsel for the appellant would submit that Claims Tribunal held that the claimant suffered loss of earning to the extent of 22% and computed compensation accordingly, however, failed to award compensation towards future prospect and therefore, compensation be enhanced by awarding compensation under the head of future prospect.
4. On the other hand, learned counsel for respective respondents opposes the submission made by the counsel for appellant and would submit that the amount of compensation awarded by the Claims Tribunal is just and proper and does not call for any interference. However, they submit that the Learned Claims Tribunal fell into error in applying the multiplier of 15, as on the date of accident,



claimant/appellant was aged about 44 years, therefore, in view of the decision of Hon'ble Supreme Court in the case of **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** reported in **2009 (6) SCC 121**, the appropriate multiplier would be 14 instead of 15.

5. I have heard learned counsel for the parties and perused record of claim case.
6. Perusal of finding recorded by learned Claims Tribunal in para 18 of the impugned award would show that Claims Tribunal assessed the loss of earning of the appellant as 22% and accordingly, computed the compensation and awarded Rs. 2,37,600/- towards loss of earning due to permanent disability. However, Claims Tribunal failed to award compensation under the head of future prospects.
7. The award of compensation under head of future prospects is considered by Hon'ble Supreme Court in case of **Sidram Vs. Divisional Manager, United India Insurance Company Limited & Anr.** reported in **(2023) 3 SCC 439** has held that in permanent disablement case also, the claimants will be entitled for compensation under the head of future prospects as observed in case of **National Insurance Company Ltd. vs. Pranay Sethi**, reported in **(2017) 16 SCC 680**.
8. In the aforementioned facts of case and decision of the Hon'ble Supreme Court, I find it appropriate to award 25% of the assessed income towards future prospect considering the age of the Claimant/Appellant to be 44 years on the date of accident. It is ordered accordingly.
9. Further, learned Claims Tribunal fell into error in applying multiplier of 14, as in view of the decision of Hon'ble Supreme Court in case of



Sarla Verma (Supra), appropriate multiplier for determining of loss of income of the deceased/claimant aged between 41 to 45 years is 14, therefore, considering the age of the claimant to be 44 years, I find it appropriate to apply multiplier of 14 instead of 15 as applied by the learned Claims Tribunal for assessment of loss of income. It is ordered accordingly.

10. Claimants will also be entitled for an amount of compensation awarded under the head of medical expenses, future medical expenses, pains and sufferings, special diet, attendant as awarded by the learned Claims Tribunal.
11. For the foregoing reason, this Court proposes to recalculate the amount of compensation payable to the appellants.

S. No.	Heads		Compensation
1.	(A) Annual Income of claimant: $6000 \times 12 = 72,000$ (B) Addition towards future prospects @ 25% ($72,000 \times 25\% = 18,000$) ($72,000 + 18,000 = 90,000$) (C) Multiplier of 14 ($90,000 \times 14 = 12,60,000/-$) (D) Loss of earning capacity ($12,60,000 \times 22\% = 2,77,200$)	:	Rs. 2,77,200/-
2.	Medical Expenses	:	(+) Rs. 2,31,361/-
3.	Future Medical Expenses	:	(+) Rs. 50,000/-
4.	Pains and sufferings	:	(+) Rs. 50,000/-
5.	Special diet and conveyance	:	(+) Rs. 30,000/-
6.	Attendant	:	(+) Rs. 18,000/-
	Total Compensation	:	Rs. 6,56,561/-



12. Now, the Appellant/Claimant is awarded total compensation of **Rs.**

6,56,561/-. The enhanced amount of compensation shall carry interest @ 8% from the date of filing of claim application till its realization. Rest of the conditions mentioned in the impugned award shall remain intact.

13. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey