



2026:CGHC:17151

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 999 of 2019

1 - Bablu Dewangan S/o Late Hiralal Dewangan Aged About 30 Years
R/o Village Raisara, Police Station And Tahsil Jhilmili, District Surajpur
Chhattisgarh., District : Surajpur, Chhattisgarh

2 - Santlal Dewangan S/o Late Hiralala Dewangan Aged About 38 Years
R/o Village Raisara, Police Station And Tahsil Jhilmili, District Surajpur
Chhattisgarh., District : Surajpur, Chhattisgarh

3 - Smt. Kalawati Dewangan D/o Late Hiralal Dewangan Aged About 25
Years R/o Village Raisara, Police Station And Tahsil Jhilmili, District
Surajpur Chhattisgarh. (Claimant), District : Surajpur, Chhattisgarh

... **Appellants**

Versus

1 - Vifal @ Prakash Vishwakarma S/o Shri Fulsai Vishwakarma Aged
About 20 Years R/o Village Pandari, Khalpara, Police Station And Tahsil
Ramanujnagar, District Surajpur Chhattisgarh. (Driver), District :
Surajpur, Chhattisgarh

2 - Raju Vishwakarma S/o Shri Fulsai Vishwakarma Aged About 25
Years R/o Village Pandari, Khalpara, Police Station And Tahsil
Ramanujnagar, District Surajpur Chhattisgarh. (Owner), District :
Surajpur, Chhattisgarh

3 - The Branch Manager Oriental Insurance Co. Ltd. Divisional Office
Ambedkar Chowk Ambikapur, District Surguja Chhattisgarh. (Non
Applicant No. 3), District : Surguja (Ambikapur), Chhattisgarh

... **Respondents**

[Cause-title taken from Case Information System (CIS)]

For Appellants	:	Mr. Divyansh Shukla, Advocate on behalf of Mr. Bhupendra Singh, Advocate
For Respondent No.3	:	Mr. HP Agrawal, Advocate

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

(Order on Board)

15.04.2026



1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the “Act of 1988”) has been preferred by the appellants seeking enhancement of amount of compensation, challenging the impugned award dt. 14.02.2019, whereby learned Claims Tribunal has awarded a total sum of Rs.3,56,700/- as compensation for the death of Hiralal Dewangan, who was aged about 52 years on the date of occurrence.
2. Learned counsel for the appellants would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in assessing income of deceased as Rs.4,500/- per month which should be Rs.7,800/- as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Further, learned Claims Tribunal also erred in awarding less amount on the head of loss of consortium, loss of estate and funeral expense. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for the respondents would submit that the appellants have failed to prove nature of occupation and income of the deceased by producing clinching and admissible piece of evidence, hence, the Tribunal is justified in assessing income of deceased on notional basis. 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 went through the records with



utmost circumspection.

5. Learned Claims Tribunal assessed the monthly income of deceased to be Rs.4,500/-, 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.7,800/- PM (as per minimum wages prescribed at relevant time). Further, on the heads of funeral expenses and loss of estate Rs.15,000/- each has been awarded, whereas it ought to have been Rs.18000/- each and on the heads of loss of consortium to each of the appellants no amount has been awarded, but it ought to have been awarded Rs.48,000/- x 3 = Rs.1,44,000/-.

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	Rs.4500/- x 12 = Rs.54,000/-	Rs.7800/- x 12 = Rs.93,600/-
2.	Future Prospect	(+) 10% (i.e. Rs.5400/-) Rs.59,400/-	(+) 10% (i.e. Rs.9360/-) = Rs.1,02,960/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



3.	Deduction	(-) 1/2 = Rs. 29,700/-	(-) 1/2 = Rs. 51,480/-
4.	Multiplier	(x) 11 = Rs. 3,26,700/-	(x) 11 = Rs. 5,66,280/-
5.	Loss of Estate	Rs. 15,000/-	Rs. 18,000/-
6.	Funeral Expenses	Rs. 15,000/-	Rs. 18,000/-
7.	Loss of Consortium	NIL	Rs. 48,000/- x 3 = Rs. 1,44,000/-
	Total	Rs. 3,56,700/-	Rs. 7,46,280/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.3,56,700/- awarded by the Claims Tribunal is enhanced to Rs.7,46,280/-. Hence, after deducting the amount of Rs.3,56,700/-, the appellants are held entitled for an additional amount of **Rs.3,89,580/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days 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 i.e. 16.05.2018 till its realization. Rest of the conditions of the impugned award shall remain intact.

8. Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

sd/-
(Sanjay K. Agrawal)
Judge