



2025:CGHC:38506

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 437 of 2021

- 1 - Smt. Ramju B W/o Late Tirali @ Tirli Ali Aged About 50 Years**
- 2 - Mastan Ali S/o Late Tirali @ Tirli Ali Aged About 25 Years**
- 3 - Ku. Heena B D/o Late Tirali @ Tirli Ali Aged About 17 Years**
- 4 - Smt. Begum B W/o Late Sabit Ali Aged About 75 Years**

Appellant No. 2 is wrongly mentioned In Impugned Judgment in Place Of Appellant No. 3 are Minor Through Legal Guardian Mother Smt. Ramju B. All are R/o Village Kandarka, Post Limtara, Thana Kumhari, District Durg Chhattisgarh.

... Appellant (s)

versus

- 1 - Sajid Khan S/o Kalam Khan Aged About 32 Years R/o Village Valegaon Thana Parsa, District Saran, Chhapara Bihar. (Driver Of The Offending Vehicle Truck No. W.B 23/d./7386). (Driver)**
- 2 - Shri Riyazuddin S/o Moh. Aabid R/o Address 1/1 B.A. C. Pal Street P.M.O. Area Thana Belghoria, North 24, Pargana Kolkata, West Bengal, (Owner Of The Offending Vehicle Truck No. W.B. 23/d. 7386), (Owner)**
- 3 - United India Insurance Company Limited Through Branch Manager, Krishna Complex Kachehari Chowk Raipur District Raipur Chhattisgarh. (Insurer Of The Offending Vehicle Truck No. W.B. 23/d./7386). (Insurer),**

... Respondent(s)

For Appellant (s)	:	Ms. Shaleeni Jangde, Advocate on behalf of Mr. A.L. Singroul, Advocate
For Respondent No. 3	:	Mr. Akash Shrivastava, Advocate on behalf of Mr. R.N. Pusty, Advocate



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

Judgment On Board

04/08/2025

1. This is claimants' appeal filed under Section 173 of the Motor Vehicles Act, 1988 (for short "*Act of 1988*") seeking enhancement of amount of compensation awarded by learned Second Additional Motor Accidents Claims Tribunal, Raipur, (CG) vide award dated 25.03.2021 passed in Claim Case No.507 of 2018.
2. Date of accident and death of Teer Ali alias Teerli Ali due to motor accidental injuries suffered by him involvement of offending vehicle driven by non-applicant No.1, owned by non- applicant No.2 and insured by non-applicant No.3 is not in dispute. Liability to satisfy the amount of compensation awarded by learned Claims Tribunal upon non-applicant No.3 is also not in dispute.
3. In the aforementioned facts of case, this Court is not advertng to the facts pleaded in the claim application, written statements as adverted by learned Claims Tribunal in its award but only considering the submissions of learned counsel for the respective parties on enhancement of amount of compensation as awarded by learned Claims Tribunal.
4. Learned counsel for the appellants/claimants submits that the learned Claims Tribunal awarded meager amount of compensation. Income of the deceased has been assessed as Rs.9000/- per month only which



in the facts of case is on lower side. Claims Tribunal has not awarded compensation under the head of 'loss of consortium' to all the appellants/claimants but awarded loss of consortium to appellant/claimant No.4 (mother of deceased) only.

5. On the other hand, learned counsel for the respondent No.3 opposes the submission of learned counsel for the appellants and would submit that amount of compensation as awarded by learned Claims Tribunal, in the facts of the case, is just and proper.
6. I have heard learned counsel for the parties and also perused the record of claim case.
7. So far as the submission of learned counsel for the appellants/claimants with regard to assessment of income as Rs.9000/- per month by the Claims Tribunal is concerned, date of accident is 06.06.2018. Learned Claims Tribunal has assessed occupation of the deceased to be engaged in construction of Solar Panel Shed, which in the opinion of this Court, falls in the category of "skilled labourer". While assessing income of the deceased, learned Claims Tribunal failed to consider other factors like cost of living, price index, wage structure and also minimum wages fixed by the Competent Authority under the Minimum Wages Act for 'skilled labourer' prevailing on the date of accident.
8. For the purpose of assessing income of deceased on notional basis in absence of any specific evidence, this Court finds it appropriate to take help of the Notification issued by the Commissioner-cum- Competent



Authority under Minimum Wages Act, 1948, Chhattisgarh, Raipur. In the Notification for 'A zone/area' monthly income for 'skilled labourer' for the period from 01.04.2018 to 30.09.2018, has been fixed as Rs.10,050/- per month including DA. Hence, looking to the date of accident i.e. 06.06.2018, income of the deceased is assessed as Rs.10,050/- per month instead of Rs.9000/- per month as held by learned Claims Tribunal. It is ordered accordingly.

9. Learned Claims Tribunal, looking the age of the deceased on the date of accident to be in between 50 to 60 years, has rightly added 10% of the assessed income towards future prospects. Looking to the number of dependents of 5, learned Claims Tribunal has also rightly made deduction of 1/4 towards personal and living expenses of deceased which is in tune of the decision of Hon'ble Supreme Court in the case of **Sarla Verma (Smt.) and Ors. Vs. Delhi Transport Corporation and Anr.** (2009) 6 SCC 121.
10. Learned Claims Tribunal looking to the age of deceased as 59 years, has correctly applied multiplier of 9, awarded Rs. 15,000/- each under the head 'loss of estate' and 'funeral expenses' and Rs.40,000/- to applicant No.5/mother of the deceased under the head - 'loss of filial consortium'.
11. Award under the head of loss of consortium has been quantified by Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.** (2017) 16 SCC 680. Further types of consortium is explained in the case of **Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram & Ors.** (2018) 18 SCC 130



and it is held that husband/spouse will be entitled for loss of 'spousal consortium', children will be entitled for loss of 'parental consortium' and parents will be entitled for loss of 'filial consortium' of Rs.40,000/- each. In the case at hand appellant No.1 is wife, appellants No. 2 & 3 are children and appellant No.4 is the mother of deceased, therefore, they are also entitled for grant of compensation of Rs.40,000/- each under the head 'loss of spousal consortium', 'loss of parental consortium' and 'loss of filial consortium' respectively.

12. Hon'ble Supreme Court in the case of **Pranay Sethi** (supra) has further observed that compensation under the head of other conventional heads is to be enhanced by 10% in every three years and, therefore, considering the period elapsed from the date of order passed by Hon'ble supreme Court in case **Pranay Sethi** (supra) I find it appropriate to increase the compensation under other conventional heads like 'loss of estate', 'funeral expenses' and 'consortium' by 10% and by adding 10%, it will be Rs.16,500/- (15000 + 10%), Rs.16,500 /- (15000 + 10%) and Rs.1,76,000/- (40,000 + 10% = 44,000 x 4) respectively.

13. For the foregoing discussions, I find it appropriate to re-compute the amount of compensation as under:-

S. N.	Heads		Compensation
1.	(A) Loss of Income/dependency $10050 \times 12 = 120600$ (B) Addition towards future prospects @ 10% ($120600 \times 10\% = 12060$) $120600 + 12060 = 1,32,660$ (C) Deduction of 1/4 towards	:	Rs. 8,95,455



	personal and living expenses ($1,32,660 \times 1/4 = 33165$) $1,32,660 - 33165 = 99495/-$ (D) Multiplier of 9 $99495 \times 9 = 895455$		
2.	Funeral Expenses ($15000 \times 10 \% = 16,500/-$)	:	(+) Rs. 16,500/-
3.	Loss of Estate ($15000 \times 10 \% = 16,500/-$)	:	(+) Rs. 16,500/-
4.	Spousal Consortium to claimant/appellant No.1 (wife) ($40,000 \times 10 \% = 44,000$)	:	(+) Rs. 44,000
5.	Loss of parental consortium to claimants/appellants No. 2 & 3 (children) of 44,000/- each ($40,000 \times 10 \% = 44,000$) ($44,000 \times 2 = 88,000$)		(+) Rs. 88,000
6.	Loss of filial consortium to claimant/appellant No. 5 of 44,000/- ($40,000 \times 10 \% = 44,000$)		(+) Rs. 44,000
	Total compensation		Rs. 11,04,455

14. Now appellants/claimants are awarded total compensation of **Rs.11,04,455/-** instead of Rs.8,71,900/- as awarded by the Claims Tribunal.

15. Enhanced amount of compensation shall carry interest @ 8% per annum from the date of filing of claim application till its realization. Any amount of compensation already paid to the claimants shall be adjustable from the total amount of compensation which has now been calculated and awarded by this Court. Rest of the conditions of impugned award shall remain intact.



16. Appeal is accordingly allowed in part and the impugned award stands modified to the extent indicated above.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen