



2026:CGHC:9330



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1426 of 2024**

* - Smt. Renu Devi W/o Late Sanjay Kumar, Aged About 47 Years R/o Village Shivnandanpur, P.S. And Tahsil Vishrampur, District Surajpur (C.G.)

... Appellant**Versus**

1 - Nirbhay Kumar Mehta S/o Shyama Kant Mehta, Aged About 27 Years Occupation Vehicle Driver, R/o Nandini Road Subhash Nagar, Near Shiv Mandir, Ward No. 27, Power House Bhilai, District Durg (C.G.) -----**(Vehicle Driver)**

2 - Vinay Kumar Mehta S/o Shyama Kant Mehta, Occupation Vehicle Owner, R/o Nandini Road Subhash Nagar, Near Shiv Mandir, Ward No. 27, Power House Bhilai, District Durg (C.G.) -----**(Vehicle Owner)**

3 - Branch Manager, United India Insurance Company Limited, Paras Complex, In Front Of State Bank Of India, Gurudwara Station Road, Durg, District Durg (C.G.) ----**(Insurance Company)**

... Respondents

For Appellant/Claimant : Mr. C.J.K. Rao, Advocate

For Respondents No. 3/Insurance : Mrs. Swati Agrawal, Advocate Company

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

23/02/2026

1. Heard.
2. Admit.
3. With consent of learned counsel for the parties, the matter is heard finally.
4. The appellant/claimant has filed this appeal under Section 173 of the Motor Vehicles Act for enhancement of compensation against the judgment and award passed by the Motor Accident Claims Tribunal, Surajpur, District Surajpur (C.G.) in Claim Case No. 74/2023 dated



08.04.2024, whereby the learned Claims Tribunal has passed an award to the tune of Rs.10,35,600/- with interest @ 6% per annum on account of death of Shubham Kumar Soni.

5. The claimant is mother of deceased- Shubham Kumar Soni. She filed claim case under Section 166 of the Motor Vehicles Act, wherein she pleaded that at the time of accident, age of the deceased was 27 years. She further pleaded that on 07.03.2023 while deceased was returning to Vishrampur from Bilaspur on his motorbike bearing registration No. CG-15/ CZ-9165, at about 12:00 noon, near Morga Hotel, the driver of offending Trailer bearing registration No. CG-07 / AZ-8364 by driving it rashly and negligently dashed his motorbike, resultantly he sustained grievous injuries and succumbed to death. The claimant pleaded that the deceased was working as Tuition Teacher at Raipur and earning Rs.15,000/- per month.
6. Mr. C.J.K. Rao, learned counsel appearing for the appellant/claimant would submit that the deceased was earning Rs.15,000/- per month providing tuition. He would submit that the learned Claims Tribunal assessed the income of the deceased was Rs.7,000/- per month which is at lower side. He would contend that minimum wage admissible to an unskilled labour in the month of March 2023 was Rs.9,700/-. He would further submit that the learned Claims Tribunal ought to have considered that figure while assessing the income of the deceased. He would further contend that the learned Claims Tribunal has not awarded compensation for loss of consortium in favour of the mother. He would pray to modify the award by enhancing the compensation.
7. On the other hand, Mrs. Swati Agrawal, learned counsel appearing for respondent No. 3/Insurance Company would oppose. She would



contend that the learned Claims Tribunal has passed just and proper compensation. She would further submit that the claimant failed to prove income of the deceased by leading clinching evidence, therefore, the learned Claims Tribunal assessed the notional income of the deceased at Rs.7,000/- per month. She would submit that this appeal deserves to be dismissed.

8. I have heard learned counsel appearing for the respective parties and perused the record of the learned Claims Tribunal.
9. Admittedly, the age of the deceased at the time of accident was 27 years. The claimant could not prove the fact that the deceased was earning Rs.15,000/- per month. The learned Claims Tribunal assessed the notional income of the deceased was Rs.7,000/- per month. In my opinion, the learned Claims Tribunal ought to have considered the notional income of the deceased applying the minimum wages matrix while assessing income of deceased and should have granted compensation for loss of consortium.
10. Thus, in light of the aforesaid discussion and in light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. Vs. Pranay Sethi**, reported in (2017) 16 SCC 680; **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors.**, reported in (2009) 6 SCC 121 and **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors.**, reported in (2018) 18 SCC 130, compensation is being revisited as under:-

Sr. No.	Heads	Compensation awarded by the Claims Tribunal	Compensation awarded by this Court
1.	Income as per minimum wages	Rs.7,000/- per month	Rs.9,700/- per month
2.	Annual Income	Rs.7,000/- x 12=	Rs.9,700/- x 12 =



		Rs.84,000/-	Rs.1,16,400/-
3.	Deduction of 1/2 towards personal and living expenses	Rs.84,000/- - Rs.42,000/- = Rs.42,000/-	Rs.1,16,400/- - Rs.58,200/- = Rs.58,200/-
4.	Future prospects @ 40%	Rs.42,000/- + Rs.16,800/- = Rs.58,800/-	Rs.58,200/- + Rs.23,280/- = Rs.81,480/-
5.	Multiplier by 17	Rs.58,800/- x 17 = Rs.9,99,600/-	Rs.81,480/- x 17 = Rs.13,85,160/-
6.	Loss of estate	Rs.18,000/-	Rs.18,000/-
7.	Funeral expenses	Rs.18,000/-	Rs.18,000/-
8.	Loss of consortium	- Nil -	Rs.44,000/-
Total :		Rs.10,35,600/-	Rs.14,65,160/-

11. In view of the aforesaid analysis, the amount of compensation of Rs.10,35,600/- awarded by the Claims Tribunal is enhanced to Rs.14,65,160/-. Hence, after deducting the amount of Rs.10,35,600/-, the appellants/claimants are entitled for an additional amount of **Rs.4,29,560/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this judgment. The additional amount of compensation shall carry interest @ 6% 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.
12. In the result, the appeal is **allowed in part** with modification in the impugned award to the above extent.

Sd/-
(Rakesh Mohan Pandey)
Judge