



2026:CGHC:3059



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 580 of 2021**

1 - Bina Bai Devdas Wd/o Late Dayaram Devdas Aged About 45 Years R/o Village Amlideeh, Police Station Bhatapara Rural, At Present Khairtal, Post Rwan, Police Station And Tahsil Baloda Bazar District Baloda Bazar-Bhatapara Chhattisgarh.

2 - Mithilesh Devdas S/o Late Dayaram Devdas Aged About 24 Years R/o Village Amlideeh, Police Station Bhatapara Rural, At Present Khairtal, Post Rwan, Police Station And Tahsil Baloda Bazar District Baloda Bazar-Bhatapara Chhattisgarh.

3 - Mukesh Devdas S/o Late Dayaram Devdas Aged About 22 Years R/o Village Amlideeh, Police Station Bhatapara Rural, At Present Khairtal, Post Rwan, Police Station And Tahsil Baloda Bazar District Baloda Bazar-Bhatapara Chhattisgarh.

...Appellants**versus**

1 - Tanaram @ Tanay Kenwat S/o Shyamlal Kenwat Aged About 30 Years R/o Village Jaraud (Bade) Police Station Bhatapara Rural, District Baloda Bazar-Bhatapara Chhattisgarh(Driver And Owner Of The Vehicle Motor Cycle Hero H. F. Delux No. C. G. 22 M 7582).

2 - Branch Manager Tata A. I. G. Insurance Company Limited Near Building 09/01, Khandewal Motors Ek Joining Tresure, Iceland Mall, M. G. Road, Indore M. P.(Insurer Of The Vehicle Motor Cycle Hero H. F. Delux No. C. G. 22 M 7582).

3 - Smt. Kiran Devdas W/o Dharamendra Devdas Aged About 28 Years R/o Sarkanda, Thana K Aage, Rajkishore Nagar, Bilaspur District Bilaspur Chhattisgarh(D/o Deceased Dayaram Devdas)



4 - Durgesh Devdas S/o Late Dayaram Devdas Aged About 27 Years R/o Village Amlideeh, Police Station Bhatapara Rural, District Baloda Bazar, District Baloda Bazar Chhattisgarh(S/o Deceased Dayaram Devdas)

... Respondent(s)

For Appellants	:	Mr. Anand kesharwani, Advocate
For Respondent No.1	:	None though served.
For Respondent No.2	:	Mr. Saurabh Gupta, on behalf of
/Insurance Company	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment on Board

19/01/2026

1. The appellants/claimants have filed this appeal for enhancement of compensation against the award passed by the learned Motor Accident Claims Tribunal, Balodabazar-Bhatapara, in Claim Case No. 120/2019 dated 24.07.2021, whereby the learned Tribunal granted compensation to the tune of ₹9,10,000/- with interest @ 6% per annum on account of death of Dayaram Devdas in a motor accident.
2. Facts, in brief, are that on 19.05.2019, at about 8:00 hours, the deceased Dayaram Devdas was returning to village Amlidih on his motorcycle. At the same time, the driver of the offending vehicle, by driving it rashly and negligently, dashed him from behind; as a result, he sustained grievous injuries and succumbed to death.
3. The claimants, who are the widow and children of the deceased, filed a claim case under Section 166 of the Motor Vehicles Act. The claimants impleaded the daughter of the deceased Kiran Devdas (aged about 28 years), and son of the deceased, Durgesh Devdas (aged about 27 years), as respondents No.3 and 4. They pleaded that the age of the deceased at the time of the accident was 45 years and he was earning



₹15,000/- per month; thus, they claimed compensation of ₹30,85,000/-.

The driver and owner filed their reply and denied the averments made in the claim petition.

4. Respondent No.2/Insurance Company filed its reply and stated that the driver of the offending vehicle did not possess a valid and effective driving licence. A plea of contributory negligence was also taken. Issues were framed, parties led evidence, and finally, the award was passed by the learned Tribunal.
5. Learned counsel appearing for the appellants would submit that the learned Tribunal assessed the income of the deceased at ₹6,000/- per month, which is on the lower side. He would further submit that in the absence of evidence regarding the income of the deceased, the learned Tribunal ought to have treated the deceased as an unskilled labourer and assessed his income in accordance with the minimum wages applicable to an unskilled labourer in the month of May, 2019. He would contend that in the month of May, 2019, the minimum wage payable to an unskilled labourer was ₹8,400/- per month. He would also submit that the learned Tribunal has not granted compensation to the claimants No.2 & 3 under the head of loss of consortium; therefore, he prayed for enhancement of the compensation accordingly.
6. On the other hand, Mr. Gupta, learned counsel appearing for the Insurance Company would oppose the submissions made by Mr. Kesharwani and submit that the claimants failed to prove the income of the deceased; therefore, the learned Tribunal rightly assessed the income of the deceased at ₹6,000/- per month. He would also submit that respondents No.3 & 4 had relinquished their right to receive compensation; therefore, the learned Tribunal has rightly not granted compensation to them; thus, he prays that the appeal deserves to be dismissed.



7. I have heard learned counsel for the parties and perused the record.
8. Admittedly, the minimum wage admissible to an unskilled labourer in the month of May, 2019, was ₹8,400/- and the learned Tribunal should have taken that figure while computing the income of the deceased. Further, the learned Tribunal has not granted compensation for loss of consortium to claimants No.2 and 3, who are children of the deceased. Since respondent No.3 & 4 had relinquished their right to receive compensation, therefore, the learned Tribunal rightly declined compensation to the respondents No.3 and 4.
9. Accordingly, the compensation granted by the learned Tribunal is revisited as under:-

Sr. No.	Heads	Compensation awarded by Tribunal (A)	Compensation awarded by this Court (B)
1.	Annual Income	$₹6,000 \times 12 = ₹72,000$	$₹8,400 \times 12 = ₹1,00,800$
2.	Future Prospects	$25\% \text{ of } ₹72,000 = ₹18,000$	$25\% \text{ of } ₹1,00,800 = ₹25,200$
		₹90,000	₹1,26,000
3.	Deduction (1/3rd)	₹30,000	₹42,000
		₹60,000	₹84,000
4.	Multiplier	$₹60,000 \times 14 = ₹8,40,000$	$₹84,000 \times 14 = ₹11,76,000$
5.	Loss of Consortium	₹40,000	$₹40,000 + 48,000 + 48,000 = ₹1,36,000$
6.	Funeral Expenses	₹15,000	₹15,000
7.	Loss of Estate	₹15,000	₹15,000
	Total	₹9,10,000	₹13,42,000/-
	Final Compensation	A-B	= ₹4,32,000/-



10. In view of the above calculation, the claimants/appellants shall be entitled to an additional sum of **₹4,32,000/-**. The insurance company is directed to pay the enhanced compensation of **₹4,32,000/-** with interest @ **6% per annum** to the appellants/claimants within a period of **60 days**. Rest of the terms and conditions of the award shall remain intact. Accordingly, the appeal filed by the claimants is **allowed in part** to the extent indicated hereinabove.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim