



2026:CGHC:19649

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1180 of 2020

1 - Smt. Amrita @ Rani Dhruw Wife Of Late Bhratlal Dhruw Aged About 19 Years Resident Of Village- Nevra, Ajaypur, Police Station - Kota, Tehsil- Takhatpur, District- Bilaspur (Chhattisgarh)

2 - Smt. Bhagmati Dhruw Wife Of Banshilal Dhruw Aged About 55 Years Resident Of Village- Nevra, Ajaypur, Police Station - Kota, Tehsil- Takhatpur, District- Bilaspur (Chhattisgarh)

3 - Banshilal Dhruw Son Of Late Budhram Dhruw Aged About 57 Years Resident Of Village- Nevra, Ajaypur, Police Station - Kota, Tehsil- Takhatpur, District- Bilaspur (Chhattisgarh)

... Appellants

versus

1 - Laxmi Prasad Jaiswal Son Of Ramkumar Jaiswal Aged About 32 Years Occupation- Driver, Resident Of Kota, Tahsil And Police Station - Kota, District- Bilaspur (Chhattisgarh) (Driver Of Mazda No. C.G.-10-A-4210), District : Bilaspur, Chhattisgarh

2 - Ashok Singh Son Of Itwar Singh Resident Of Kargikhurd, Kota, Tahsil And Police Station- Kota, District- Bilaspur (Chhattisgarh) (Owner Of Mazda No. C.G.-10-A-4210), District : Bilaspur, Chhattisgarh

3 - The Oriental Insurance Company Limited Through The Branch Manager, Rama Trade Center, In Front Of Rajeev Plaza, Near Bus Stand, Bilaspur, Tahsil And District- Bilaspur (Chhattisgarh) (Insurer Of Mazda No. C.G.-10-A-4210), District : Bilaspur, Chhattisgarh

... Respondent(s)

For Appellants : Ms. Deeksha Jaiswal on behalf of Mr. Avinash Chand Sahu, Advocates

For Respondent : Mr. Deepak Gupta, Advocate

No. 3

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

28.04.2026

- 1.** The instant appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellants/claimants against the impugned award dated 24/01/2020 (Annexure A/1) passed by learned 7th Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 118/2019 seeking enhancement of compensation awarded by the Claims Tribunal for the death of Bharatlal Dhruw.
- 2.** Learned counsel for the appellants/claimants would submit that the Claims Tribunal has assessed the monthly income of the deceased as Rs. 6,000/- whereas it ought to be Rs. 8,620/- as per the minimum wage notification prevailing at the time of the

accident. Moreover, Rs. 1,00,000/- has been granted under loss of consortium whereas Rs. 44,000/- x 3 = Rs. 1,32,000/- ought to have been granted and further Rs. 16,500/- each ought to have been granted under loss of estate and funeral expenses, therefore, the compensation awarded by the Claims Tribunal may suitably be enhanced.

3. Learned counsel for respondent No. 3/Insurance Company would support the impugned award and submit that the compensation awarded by the Claims Tribunal is just and proper and does not warrant any interference by this Court.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

5. A careful perusal of the award would show that the Claims Tribunal has assessed the monthly income of the deceased as Rs. 6,000/- whereas it ought to be Rs. 8,620/- as per the minimum wage notification prevailing at the time of the accident. Moreover, Rs. 1,00,000/- has been granted under loss of consortium whereas Rs. 44,000/- x 3 = Rs. 1,32,000/- ought to have been granted and further Rs. 16,500/- each ought to have been granted under loss of estate and funeral expenses.

6. In view of the aforesaid, compensation is calculated below :-

Heads of Compensation	Compensation awarded by the Tribunal	Compensation awarded by this Court
Income	Rs. 6,000/- x 12 = Rs. 72,000/-	Rs. 8,620/- x 12 = Rs. 1,03,440/-
Future Prospect	(+) 40% i.e. Rs. 28,800/- Rs. 1,00,800/-	(+) 40% i.e. Rs. 41,376/- = Rs. 1,44,816/-
Deduction	(-) 1/3rd i.e. Rs. 33,600/- Rs. 67,200/-	(-) 1/3rd i.e. Rs. 48,272/- = Rs. 96,544/-
Multiplier	(x) 18 Rs. 12,09,600/-	= (x) 18 = Rs. 17,37,792/-
Loss of Estate	Rs. 15,000/-	Rs. 16,500/-
Funeral Expenses	Rs. 15,000/-	Rs. 16,500/-
Loss of Consortium	Rs. 1,00,000/-	Rs. 1,32,000/-
Total	Rs. 13,39,600/-	Rs. 20,34,792/-

7. In view of the aforesaid analysis, the amount of compensation of Rs. 13,39,600/- awarded by the Claims Tribunal is enhanced to **Rs. 20,34,792/-**. Hence, the appellants/claimants are held entitled for an additional compensation of **Rs. 6,95,192/-**. Respondent No. 3 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 order. The additional amount of compensation shall carry interest @ 8% *per annum* from the date of filing of claim

application before the Tribunal i.e. 24/01/2020 till its realization.

Rest of the conditions of the impugned award shall remain intact.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet