



2026:CGHC:12399

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1485 of 2023

1 - Jivnandan Prasad Sahu S/o Santram Sahu Aged About 37 Years R/o Village Ahilya, Thana- Kasdol, Tahsil And District- Baloda Bazar (Chhattisgarh) (Claimant)

2 - Hemlata Sahu W/o Jivnandan Prasad Sahu Aged About 34 Years R/o Village Ahilya, Thana- Kasdol, Tahsil And District- Baloda Bazar (Chhattisgarh) (Claimant)

3 - Ku. Nisha Sahu D/o Jivnandan Prasad Sahu Aged About 15 Years Minor Through Legal Guardian Jivnandan Prasad Sahu (Appellant No. 1) R/o Village Ahilya, Thana- Kasdol, Tahsil And District- Baloda Bazar (Chhattisgarh) (Claimant)

... Appellants

versus

1 - Samir Kumar S/o Bhagwat Prasad Aged About 31 Years R/o- Quarter No. M/14 Pump House Colony Korba, District- Korba (C.G.). Hall Mukam Village- Turkindih Ward No. 15, Thana- Gidhauri, Chowki- Giroudhpuri, District- Baloda Bazar (C.G.). (Driver Of The Offending Vehicle Capsule No. C.G. 22/j./3108).

2 - M/s Durga Gypsum Ventures Pvt. Ltd. Propr. Anish Vishnoi Aged About 36 Years S/o Kamlesh Vishnoi, Address- Near Kishan Rice Mill, Lavan Road, Baloda Bazar, Tahsil And District- Baloda Bazar (C.G.) (Owner Of The Offending Vehicle Capsule No. C.G. 22/j./3108)

3 - Branch Manager New India Insurance Company Limited. Branch Office, Rama Trade Center 2nd Floor Old Bus Stand In Front Of Rajeev Plaza, Thana- Civil Line, Tahsil And District- Bilaspur (C.G.). Pin No. 495001. (Insurer Of The Offending Vehicle Capsule No. C.G. 22/j./3108)

... Respondents

For Appellants/Claimants	: Ms. Shalini Jangde, Advocate holding the brief of Mr. A.L. Singroul, Advocate
For respondents No.1 & 2	: Mr.Khilendra Sahu, Advocate holding the brief of Mr. Vivek Kumar Shrivastava, Adv.
For respondent No.3/Insurance Company	: Mr. Hanuman Prasad Agrawal, Advocate



Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

16.03.2026

- 1) Heard.
- 2) Admit.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The appellants/claimants have filed this appeal for enhancement of compensation assailing the judgment and award passed by the learned 10th Additional Motor Accidents Claims Tribunal, Bilaspur, District Bilaspur (C.G.) in Claim Case No.966/2021 dated 12.04.2023 whereby, the learned Tribunal has granted compensation to the tune of Rs.15,10,800/- with interest @ 9% per annum on account of death of Rahul Sahu.
- 5) The facts in brief are that on 09.03.2021, the deceased was going Shivrinarayan Fair as a pillion rider on an Activa and when they reached near Mahanadi Bridge, the offending Capsule bearing registration No.C.G.22/J/3108 dashed the Activa, consequently, Rahul Sahu fell down and sustained injuries, resultantly, he succumbed to death.
- 6) A claim case was filed by the parents and minor sister of the deceased wherein, they pleaded that at the time of accident, age of deceased was 18 years and earning Rs.15,000/- per month. The Insurance Company filed reply and took a plea that the driver of the offending vehicle did not have valid driving licence and the rider of the Activa was negligent. Learned Tribunal framed issues; parties led evidence and thereafter,



award was passed.

- 7) Learned counsel appearing for the appellants/claimants would submit that the learned Tribunal assessed the income of the deceased Rs.9,000/- per month which is on lower side. She would further submit that the learned Tribunal has granted meager amount against the conventional heads. She would pray to enhance the compensation.
- 8) On the other hand, Mr. Agarwal, learned counsel appearing for the Insurance Company would oppose the submissions made by Ms. Jangde. He would submit that the learned Tribunal has assessed income of deceased applying minimum wage matrix. He would contend that on conventional heads, learned Tribunal has granted just and proper compensation and thus, appeal deserves to be dismissed.
- 9) Mr. Sahu, learned counsel appearing for respondents No.1 & 2 would support the contentions made by Mr. Agrawal.
- 10) I have heard the learned counsel appearing for the parties and perused the record with utmost circumspection.
- 11) Though the claimants pleaded that the deceased was a computer operator earning Rs.15,000/- per month but failed to lead documentary evidence to establish this fact. As there was no evidence, learned Tribunal treated the deceased as an unskilled labourer and assessed his income applying minimum wages matrix. The minimum wage admissible to an unskilled labourer in the month of March, 2021 was Rs.8,960/- whereas, learned Tribunal has considered income of deceased



Rs.9,000/- per month. Thus, the learned Tribunal assessed the income part properly and there is no scope of interference.

- 12) Learned Tribunal deducted 1/2 for personal and living expenses of the deceased as he was bachelor; granted 40% of established income for future prospects and applied multiplier of 18 looking to the age of deceased. Learned Tribunal further granted a sum of Rs.15,000/- for future prospects and Rs.15,000/- for loss of estate and Rs.1,20,000/- for loss of consortium.
- 13) It appears that the learned Tribunal has assessed the income part properly and also granted compensation on conventional heads strictly in accordance with law. In my opinion, there is no scope of interference. Accordingly, this appeal fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge