



CGHC010277022019



2026:CGHC:35085

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1616 of 2019**

1 - Saiyyad Jafar, S/o. Saiyyad Yadulla, Aged About 40 Years, R/o. Karbala Road, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

2 - Shamim Begum, W/o. Saiyyad Hasan, Aged About 38 Years, R/o. Talapara, Police Station Civil Line, District Bilaspur, Chhattisgarh.

3 - Shaba Parveen, D/o. Saiyyad Hasan, Aged About 11 Years, Minor Through Mother (Natural Guardian) Smt. Shamim Begum, W/o. Saiyyad Hassan, R/o. Talapara, Police Station Civil Line, District Bilaspur, Chhattisgarh

4 - Sahin Parveen, S/o. Saiyyad Hasan, Aged About 13 Years, Minor Through Mother (Natural Guardian) Smt. Shamim Begum, W/o. Saiyyad Hassan, R/o. Talapara, Police Station Civil Line, District Bilaspur, Chhattisgarh.

... Appellants**versus**

1 - Pintu @ Chandra Prakash Singh Kshatriya, S/o. Taran Singh Kshatriya, R/o. Village Chulghat Road, Takhatpur, Police Station Takhatpur, District Bilaspur, Chhattisgarh. (Driver Of The Motor Cycle No. C.G. 10 N.C. 6137)



2 - Birbal Singh Kshatriya, S/o. Late Nijam Singh Kshatriya, R/o. Yadunandan Nagar, Tifra, District Bilaspur, Chhattisgarh. (Owner Of The Motor Cycle No. C.G. 10 N.C. 6137).

3 - Divisional Manager, National Insurance Company Limited, Branch Office- Taha Complex, Vyapar Vihar Road, Bilaspur, District Bilaspur Chhattisgarh (Insurer Of The Motor Cycle No. C.G. 10 N.C. 6137)

4 - Saiyyad Ahmad, S/o. Saiyyad Abdulla, Aged About 42 Years, R/o. Subhas Nagar, Police Station Takhatpur, Tahsil And District (Revenue And Civil) – Bilaspur, Chhattisgarh(Applicant)

... Respondents

For Appellants	:	Mr. Anand Kesharwani, Advocate
For Respondents No. 1 & 2	:	Mr. Sahil Sahu, Advocate on behalf of Mr. H.V.Sharma, Advocate
For Respondent No.3	:	Mr. P.K.Tulsyan, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

10.08.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants seeking enhancement of the amount of compensation, challenging the impugned award dated 16.05.2019 passed by the learned Fifth Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.376/2018.



2. Mr. Anand Kesharwani, learned counsel for the appellants, would submit that just and proper compensation has not been awarded by the learned Claims Tribunal, therefore, the amount of compensation deserves to be enhanced suitably.
3. Mr. Sahil Sahu, learned counsel appearing for the respondents No.1 & 2 and Mr. P.K.Tulsyan, learned counsel appearing for the respondent No.3/ insurance company, would submit that just and proper compensation has already been awarded by the learned Claims Tribunal, therefore, the appeal deserves to be dismissed.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records minutely.
5. Learned Claims Tribunal has assessed the monthly income of deceased Mumtaj Begum to be Rs. 6,000/- per month i.e. Rs. 72,000/- per annum, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs. 6,648/- per month i.e. Rs. 79,776/- per annum. Thus, in light of the aforesaid discussions and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla**

1 (2017) 16 SCC 680



Verma & Ors. Vs. Delhi Transport Corporation & Ors² and
Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru
Ram & Ors³, this Court is re-computing the compensation as below:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
Income as per minimum wages	Rs. 6,000 x 12 = 72,000/-	Rs. 6,648 x 12 = 79,776/-
Future prospects Add:-10%	Rs. 72,000 + 7200 = Rs. 79,200/-	Rs. 79,776 + 7977 = Rs. 87,753/-
Deduction towards personal expenses - 1/4	Rs. 79,200 – 19,800 = Rs. 59,400/-	Rs. 87,753 – 21,938 = Rs. 65,815/-
Multiplier of 9	Rs. 59,400 x 9 = Rs. 5,34,600/-	Rs. 65,815 x 9 = Rs. 5,92,335/-
Loss of parental consortium	Nil	Rs. 80,000/- (Saiyyad Jafat & Saiyyad Ahmad)
Loss of Estate	Rs. 10,000/-	Rs. 18,000/-
Funeral Expenses	Rs. 10,000/-	Rs. 18,000/-
Total	Rs. 5,54,600/-	Rs. 7,08,335/-

- 6.** In view of the aforesaid analysis, the amount of compensation of **Rs. 5,54,600/-** awarded by the Claims Tribunal is enhanced to **Rs. 7,08,335/-**. Hence, after deducting the amount of **Rs. 5,54,600/-** already awarded by the Claims Tribunal, the appellants herein along-with Saiyyad Ahmad (Respondent No.4 herein) are entitled for an additional amount of **Rs. 1,53,735/-**. The concerned

² (2009) 6 SCC 121

³ (2018) 18 SCC 130



respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days. 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.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok