

NIRMALA
RAO



2026:CGHC:10517

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1713 of 2024

1 - Santan Singh Manhar S/o Mahadev Manhar Aged About 46 Years Father,r/o Village Kharwani Beladula, Police Station And Tahsil Jaijaipur District Sakti Chhattisgarh

2 - Sumitra Manhar W/o Santan Singh Manhar Aged About 25 Years R/o Village Kharwani Beladula, Police Station And Tahsil Jaijaipur District Sakti Chhattisgarh

3 - Hitesh Kumar Manhar S/o Santan Singh Manhar Aged About 25 Years (Mother) R/o Village Kharwani Beladula, Police Station And Tahsil Jaijaipur District Sakti Chhattisgarh

4 - Nitesh Kumar Manhar S/o Santan Singh Manhar Aged About 21 Years Brother R/o Village Kharwani Beladula, Police Station And Tahsil Jaijaipur District Sakti Chhattisgarh

... Petitioner(s)

versus

1 - Bhagwan Das S/o Mohitdas Mahant Aged About 41 Years R/o Village Rohada, Police Station Saragaon, District Janjgir Champa Chhattisgarh(Driver)

2 - Girish Jaiswal S/o Dinesh Jaiswal Aged About 22 Years R/o Village Bhagwangudi Bamhanidih, District Janjgir Champa Chhattisgarh (Owner)

3 - Branch Manager H.D.F.C General Insurance Company Limited, Third Flour Chawla Complex Devendra Nagar Road Sai Nagar Raipur District Raipur Chhattisgarh (Insurance Company)

... Respondent(s)

For Appellants

: Shri Deepak Kumar Singh, Advocate.

For Respondents No.1 & 2 : Shri Vivek Shrivastava, Advocate.
For Respondent No.3 : Shri Sangeet Kumar Kushwaha
alongwith Ms. Priya Kaiwart, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

28.02.2026

1. Heard on admission.
2. Admit.
3. With the consent of the parties, the matter is heard finally.
4. The appellants/ claimants have filed this appeal under Section 173 of the Motor Vehicles Act seeking enhancement of compensation against the award dated 10.5.2024, passed in Claim Case No.42 of 2023 by the learned Second Additional Motor Accident Claims Tribunal, Sakti, District Janjgir-Champa whereby the learned Tribunal passed an award to the tune of Rs.10,69,600/- and directed the Insurance Company to make payment alongwith interest @ 6% per annum on account of death of Harish Kumar.
5. Learned counsel for the appellants would submit that on 8.4.2023 at around 10:30 am, when deceased – Harish Kumar and Prakash Agrawal were near Thathari Petrol Pump, Baradwar, the driver of the offending Tractor bearing registration No.C.G.11 BF 4900 by driving it rashly and negligently, dashed the deceased, resultantly, he sustained injuries and died during the course of treatment. The claimants, who are parents and siblings filed a claim case under Section 166 of the Motor Vehicles Act wherein they pleaded that at the time of the accident, the age of the deceased was 26 years and earning Rs.30,000/- per month. He would further contend that the learned

assessed the income of the deceased at Rs.7,000/-, which is at lower side. He would further submit that the parents were entitled to receive compensation for loss of consortium but the learned Tribunal has granted a sum of Rs.40,000/- to one of the parents on said head. He would contend that in absence of evidence with regard to income of the deceased, the learned Tribunal should have applied minimum wage matrix. He would pray to enhance the compensation accordingly.

6. On the other hand, learned counsel for respondent No.3 would oppose the submissions made by counsel for the appellants. He would submit that the claimants could not prove the income of the deceased, therefore, the learned Tribunal has assessed Rs.7,000/- per month. He would further contend that claimants No.3 & 4 being major younger brothers of the deceased are not entitled for compensation, as they were dependent on the income of their father. He would submit that the appeal deserves to be dismissed.
7. Heard learned counsel for the parties and perused the documents present on the record with utmost circumspection.
8. A perusal of oral as well as documentary evidence would reveal that the claimants failed to prove the income of the deceased by leading cogent evidence. The minimum wage admissible to an unskilled labourer in the April, 2023 was Rs.9,960/- per month whereas, the learned Tribunal has considered the income of the deceased at Rs.7,000/-, which is certainly at lower side. Further, the learned Tribunal should have granted compensation for loss of consortium to the parents but only Rs.40,000/- has been granted on this head. Thus, the compensation requires reconsideration and same is being revisited herein below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs.7,000 x 12 = Rs. 84,000/-	Rs. 9,960 x 12 = Rs. 1,19,520/-
2.	Future Prospect	40% (33,600/-) (84,000 + 33,600 = 1,17,600/-	40% - 47,808/- (1,19,520 + 47,808 = 1,67,328/-)
3.	Deduction	(-) 1/2 (58,800/-) (1,17,600 – 58,800 = 58,800/-)	(-) 1/2 (83,664/-) (Rs.1,67,328-83,664) = Rs. 83,664/-
4.	Multiplier	(x) 17 = Rs. (58,800 x 17 = 9,99,600/-)	(x) 17 = Rs. (83,664 x 17 = 14,22,288/-)
5.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of Consortium	Rs. 40,000/-	Rs. 40,000 x 2 = 80,000/-
	TOTAL	Rs. 10,69,600/-	Rs. 15,32,288/-

9. In view of the aforesaid analysis, the amount of compensation of **Rs.10,69,600/-** awarded by the Claims Tribunal is enhanced to **Rs.15,32,288/-**. Hence, after deducting the amount of **Rs.10,69,600/-**, the appellants/claimants are entitled for an additional amount of **Rs.4,62,288/-**. The Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of 60 days from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 9% per annum from the date of filing of claim application before the Tribunal, till its realization. Rest of the conditions of impugned award shall remain intact.
10. Accordingly, this appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

Sd/-

(Rakesh Mohan Pandey)
Judge