



2026:CGHC:33158



CGHC010302952023



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1599 of 2023**

1 - Smt. Laxmi Sahu Wd/o Limeshwar Sahu Aged About 28 Years R/o Ward No. 01, Dhimarpara, Village, Thana Aarang, District- Raipur, Chhattisgarh.

2 - Vashisth Sahu S/o Late Limeshwar Sahu Aged About 3 Years Through Guardian (Mother) Smt. Laxmi Sahu, R/o Ward No. 01, Dhimarpara, Village, Thana Aarang, District- Raipur, Chhattisgarh.

3 - Yugansh Sahu S/o Late Limeshwar Sahu Aged About 1 Years Through Guardian (Mother) Smt. Laxmi Sahu, R/o Ward No. 01, Dhimarpara, Village, Thana Aarang, District- Raipur, Chhattisgarh.

4 - Parsadi Ram Sahu S/o Late Birju Sahu Aged About 52 Years R/o Ward No. 01, Dhimarpara, Village, Thana Aarang, District- Raipur, Chhattisgarh.

5 – Aas Bai Sahu W/o Parsadi Ram Sahu Aged About 47 Years R/o Ward No. 01, Dhimarpara, Village, Thana Aarang, District- Raipur, Chhattisgarh.

... Appellants.**versus**

1 - Paras Ram Yadav S/o Ganpat Yadav Aged About 28 Years R/o Village- Farfaud Thana- Aarang District -Raipur, Chhattisgarh , Driver (Vehicle No. C.G. 04 E A 0155)

2 - Omprakash Sahu S/o Ganpat Yadav Aged About 32 Years R/o Near Crasher, Kushalpur, Thana Puranibasti, District -Raipur, Chhattisgarh (Registered Owner)

3 - The New India Insurance Company Ltd Through Incharge Officer, Second Floor, Mandal Office 03, R D A Building Bajrang Market, G. E. Road, Raipur, District Raipur, Chhattisgarh (Insurance Company Vehicle No. C.G.04 E A 0155)

--- Respondent(s)



For Appellants	:	Ms. Shruti Shrivastava, Advocate
For Respondents No.1 & 2	:	None
For Respondents No.3	:	Mr. Samir Singh, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(31.07.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 18.04.2023, passed in Claim Case No.848/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.19,23,760/- as compensation for the death of Lkeshwar Sahu, who died in a road accident which took place on 29.08.2022.
2. Learned counsel for the appellants would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side and has also awarded lesser amount under other conventional heads. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the



Claims Tribunal is just and proper and requires no interference.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. In the case at hand, true it is that learned Tribunal has taken monthly income of deceased to be Rs.7,800/-, which ought to be Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh.
6. Thus, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs.7800 x 12 = 93,600/-	Rs. 9960 x 12 = 1,19,520/-
2.	Future prospect	(+) 40% (i.e. Rs. 37,440) = 1,31,040/-	(+) 40% (i.e. Rs. 47,808) = 1,67,328/-
3.	Deduction	(-) 1/4 (i.e. 32,760) = 98,280/-	(-) 1/4 (i.e. 41,832) = 1,25,496/-
4.	Multiplier	(x) 17 = 16,70,760/-	(x) 17 = 21,33,432/-

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130



5	Other conventional heads	Rs. 2,53,000/- (towards funeral expenses, loss of estate and consortium Rs.44,000 to each of the 5 claimants)	Rs.2,53,000/- (16,500 + 16,500 + 2,20,000)
	Total	Rs. 19,23,760/-	Rs.23,86,432/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.19,23,760/- awarded by the Claims Tribunal is enhanced to Rs.23,86,432/-. Hence, after deducting the amount of Rs.19,23,760/-, the appellants are held entitled for an additional amount of Rs.4,62,672/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
9. The Registry is directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge