



CGHC010318452024

2026:CGHC:28939

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1823 of 2024**

1 - Leela Bai Wd/o Late Sawan Singh Aged About 55 Years Caste-Gond, R/o Village- Nanpulali, Mohalla- Nawapara, Tahsil Pali, District Korba, Chhattisgarh, At Present Village- Kadri, Police Station- Ratanpur, Tahsil And District- Bilaspur, Chhattisgarh.

2 - Amit Kumar S/o Late Sawan Singh Aged About 35 Years Caste-Gond, R/o Village- Nanpulali, Mohalla- Nawapara, Tahsil Pali, District Korba, Chhattisgarh, At Present Village- Kadri, Police Station- Ratanpur, Tahsil And District- Bilaspur, Chhattisgarh.

3 - Kanhai Shyam S/o Late Shiv Prasad Shyam Aged About 78 Years Caste- Gond, R/o Village- Nanpulali, Mohalla- Nawapara, Tahsil Pali, District Korba, Chhattisgarh, At Present Village- Kadri, Police Station- Ratanpur, Tahsil And District- Bilaspur, Chhattisgarh.

SAIFAN KHAN
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SAIFAN KHAN

... Appellants**Versus**

1 - Rajanti Bai Wd/o Late Bhay Singh Aged About 30 Years Caste-Gond, R/o Bhandar Khol, Mohalla- Parsapara, Post- Lafa, Tahsil And Police Station- Lafa, District Korba, Chhattisgarh. (Driver Of The Vehicle No.- C.G.-10 A R-5684)

2 - Suresh Kumar Dhiwar S/o Late Jagdev Dhiwar Aged About 40 Years Caste- Dhiwar, R/o Village- Beltara, Mohalla- Belpara, Near Ram Temple, Tahsil And District- Bilaspur, Chhattisgarh. (Owner Of The Vehicle No.- C.G.-10 A R-5684)

3 - Ifcco Tokyo General Insurance Company Limited Through Permanent Branch- Behind Of Galaxy Height, I.C.I.C.I. Bank, Near Vyapar Vihar, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh. (Insurer Of The Vehicle No.- C.G.-10 A R-5684)

... Respondents*[Cause-title taken from Case Information System (CIS)]*

For Appellant	:	Mr. Anand Kesharwani, Advocate
For Respondent No.1 & 2	:	None though served.
For Respondent No.3	:	Mr. Pravesh Sahu, Advocate on behalf of Mr. PR Patankar, Advocate

Single Bench: Hon'ble Shri Justice Sanjay Kumar Jaiswal
(Order on Board)

10.07.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the “Act of 1988”) has been preferred by the appellant/claimant seeking enhancement of amount of compensation, challenging the impugned award dt. 14.06.2024, passed in Claim Case No.257/2021, whereby learned Claims Tribunal has awarded a total sum of Rs.7,30,356/- as compensation for the death of Sawan Singh, who died in road accident took place on 13.02.2020.
2. Learned counsel for the appellant would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the case. Claims Tribunal erred in assessing income of deceased as Rs.7555/- per month which ought to be Rs.8600/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for the respondent would submit that the appellant have failed to prove nature of occupation and income by producing clinching and admissible piece of evidence, hence, the Tribunal is justified in assessing income of the appellant on notional basis. The amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any 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 the learned tribunal has taken the monthly income of the deceased to be Rs.7555/-, which ought to be Rs.8600/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh and, to that extent the impugned award needs to be modified.

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.7555/- x 12 = Rs.90,660/-	Rs.8600/- x 12 = Rs.1,03,200/-
2	Future Prospect	10% (i.e. (+) 10% (i.e. Rs. Rs.9066/- = Rs.99726/-	10,320/-) = Rs.1,13,520/-
3.	Deduction	(-) 1/3 = (i.e. (-) 1/3 (i.e. Rs.33,242/-) Rs.66,484/-	(-) 1/3 (i.e. Rs.37,840/-) = Rs.75,680/-
4.	Multiplier	(x) 9 = Rs.5,98,356/-	(x) 9 = Rs.6,81,120/-
5.	Other conventional heads	Rs.1,32,000/-	Rs.1,32,000/-

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

	Total	Rs.7,30,356/-	Rs.8,13,120/-
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7. In view of the aforesaid analysis, the amount of compensation of Rs.7,30,356/- awarded by the Claims Tribunal is enhanced to Rs.8,13,120/-. Hence, after deducting the amount of Rs.7,30,356/-, the appellant is held entitled for an additional amount of **Rs.82,764/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 30 days from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 6% per annum from today till its realization. Rest of the conditions of the impugned award shall remain intact.

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

sd/-
(Sanjay Kumar Jaiswal)
Judge

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