



2026:CGHC:9833



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1819 of 2024**

1 - Kunti Bai Kashyap W/o Late Melaram Kashyap Aged About 36 Years
R/o Village Malda, Tahsil Jaijaipur, District Sakti Chhattisgarh

2 - Manish Kumar Kashyap S/o Late Melaram Kashyap Aged About 17
Years Through The Legal Guardian Mother Kunti Bai, R/o Village
Malda,. Tahsil Jaijaipur District Sakti Chhattisgarh

3 - Vikash Kumar Kashyap S/o Late Melaram Kashyap Aged About 15
Years Through The Legal Guardian Mother Kunti Bai, R/o Village Malda,
Tahsil Jaijaipur, District Sakti Chhattisgarh

4 - Budhwara Kashyap W/o Late Mohanlal Kashyap Aged About 70
Years R/o Village Malda, Tahsil Jaijaipur, District Sakti Chhattisgarh

... Petitioner(s)**versus**

1 - Vijay Mehta S/o Bhagalu Mehta Aged About 49 Years R/o Ward No.
5, Krishna Nagar, Deepka, Tahsil Deepka, District Korba Chhattisgarh
(Driver)

2 - K.D. Transporter (Form) Present Address Of Mandir Chowk,
Jarhabhantha, Bilaspur Chhattisgarh Permanent Address Ward No. 2,
Shahid Bhagat Singh Jyotinagar Deepka, District Korba Chhattisgarh
(Owner)

3 - The New India Insurance Company Limited Near Old Bus Stand
Rajeev Plaza Bilaspur District Bilaspur Chhattisgarh

... Respondent(s)



For Petitioner(s) : Mr. Ajay Kumar Chandra, counsel
For Respondent(s) : Mr. Hanuman Prasad Agrawal, counsel

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

25.02.2026

- 1) This appeal has been preferred by the appellants/claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Second Additional Motor Accident Claims Tribunal, Sakti District Janjgir-Champa in Claim Case No. 05/2024 dated 12.08.2024 whereby learned Tribunal has passed an award to the tune of Rs. 13,93,000/- with interest @ 6% on account of death of Melaram Kashyap.
- 2) Facts of the case, in brief, are that on 21.07.2023, the motor cycle of the deceased was dashed by the offending truck bearing Registration No.C.G.10 BH 6070, in the said accident the deceased sustained injuries and during treatment succumbed to death. The claimants, who are mother, wife and children, filed claim case under Section 166 of the Motor Vehicles Act wherein they pleaded that the age of deceased was 38 years and was earning Rs.18,000/- per month. They claimed a sum of Rs.76,72,000/- before the Tribunal.
- 3) The driver and owner of the offending truck remained *ex-parte* before the Tribunal.
- 4) The Tribunal framed issues, parties led evidence and thereafter



award was passed.

- 5) Learned counsel for the appellants submits that age of the deceased was 38 years and was earning Rs.18,000/- per month. Learned counsel for the appellants further submits that learned Tribunal has assessed the notional income of the deceased to be Rs. 7,000/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. According to the minimum wage payable to an unskilled labourer in July, 2023, the monthly wage ought to have been assessed at ₹9,960/-. He also contended that on conventional heads the Tribunal has not granted proper compensation. He prays to enhance the compensation accordingly.
- 6) On the other hand, learned counsel appearing for the Insurance Company would oppose. He submits that learned Tribunal has awarded just and proper compensation and this appeal deserves to be dismissed.
- 7) I have heard learned counsel for the parties and perused the record.
- 8) Admittedly, the age of the deceased was 38 years. Although the claimants did not place on record any documentary evidence to establish the monthly income of the deceased as ₹18,000/-, the learned Tribunal, however, assessed the monthly income of the deceased at ₹7,000/-. In the absence of any cogent or reliable evidence regarding the income of the deceased, the Tribunal



should have applied the minimum wages matrix. The minimum wage payable to an unskilled labourer in July, 2023 was ₹9,960/- per month, and therefore, the learned Tribunal ought to have considered the said figure while assessing the income of the deceased. Further, the learned Tribunal has not awarded a compensation for loss of consortium to the claimants No.2 to 4. In the light of the Judgments passed by the Hon'ble Supreme Court in the matter of **National Insurance Company Ltd., Vs. Pranay Sethi and Others¹** and **Magma General Insurance Co. Ltd. Vs. Nanu²**, all the claimants are entitled to get compensation for loss of consortium to the tune of Rs.40,000/- each. The compensation awarded by the Tribunal under the conventional heads also warrants reconsideration.

9) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation as below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Annual Income	Rs.84,000/- (@Rs.7,000 pm)	Rs. 1,19,520/- (@Rs. 9,960 pm)
2.	Future Prospect of Annual Income	Rs. 33,600/- (@40%)	Rs. 47,808/- (@40%)
3.	Annual income after Deduction Towards Personal Expenses	Rs. 88,200/- (@1/4)	Rs. 1,25,496/- (@1/4)
4.	Annual Income after Applying Multiplier	Rs. 13,23,000/- (@15)	Rs. 18,82,440/- (@15)

1 (2017) 16 SCC 680

2 AIR Online 2018 SC 189



5.	Filial Consortium	Rs.40,000/-	Rs.40,000/-
6.	Loss of Consortium	NII	Rs.1,20,000/- (Three Claimants)
7.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
Total		Rs.13,93,000/-	Rs.20,72,440/-

- 10)** Accordingly, the amount of compensation of **Rs. 13,93,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 20,72,440/-**. Hence, the appellants are entitled for an additional amount of **Rs. 6,79,440/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.
- 11)** Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Saxena