



2026:CGHC:9937

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 47 of 2022

1 - Smt. Narbadia Bai W/o Late Hemraj Dhruv Aged About 36 Years R/o Village Karankapa, Thana Takhatpur Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Manisha D/o Late Hemraj Dhruv Aged About 17 Years Minor Through Legal Guardian Mother Smt. Narbadia Bai, R/o Village Karankapa, Thana Takhatpur Tahsil And District Bilaspur Chhattisgarh.

3 - Abhilash Kumar S/o Late Hemraj Dhruv Aged About 16 Years Minor Through Legal Guardian Mother Smt. Narbadia Bai, R/o Village Karankapa, Thana Takhatpur Tahsil And District Bilaspur Chhattisgarh.

4 - Smt. Champa Bai W/o Nathel Kumar Dhruv Aged About 84 Years R/o Village Karankapa, Thana Takhatpur Tahsil And District Bilaspur Chhattisgarh.

... Appellant(s)

versus

1 - Derha Singh S/o Kanwal Singh Rajput Aged About 31 Years R/o Village Sodhar , Thana Jarhagaon, Tahsil And District Mungeli Chhattisgarh. (Driver Of The Offending Vehicle Truck No. C.G. 10/c/1317) (Driver)

2 - Dildar Singh S/o Dalvez Singh Aged About 52 Years R/o H.I.G. 5 Ward No. 11 Arya Colony Tifra , District Bilaspur Chhattisgarh (Owner Of The Offending Vehicle Truck No. C.G. 10/c/1317) (Owner)

3 - Branch Manager Iffico Tokiyo General Insurance Company Limited , Branch Office Galaxy Height 1st Floor, I.C.I.C.I. Near Bank Byapar Vihar Road, Thana Tarbahar District Bilaspur Chhattisgarh. (Insurer Of The Offending Vehicle Truck No. C.G. 10/c/1317) (Insurer)

... Respondent(s)

For Petitioner(s) : Ms. Shalini Jangde, counsel holding brief of Mr. A. L. Singroul, counsel

For Respondent(s) : None. Though served.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

26.02.2026

1) This appeal has been preferred by the appellants/claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned First Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 556/2019 dated 19.08.2021 whereby learned Tribunal has passed an award to the tune of Rs. 11,45,000/- with interest @ 9% on account of death of Hemraj Duruv.

2) Facts of the case, in brief, are that on 02.02.2019, the driver of offending truck suddenly stopped the vehicle in middle of road as a consequence the deceased dashed into the offending truck resultantly the deceased sustained injuries and during treatment he 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 37 years and was earning Rs.30,000/- per month. They claimed a sum of Rs.45,00,000/- before the Tribunal.

- 3) Learned counsel for the appellant submits that the offending truck bearing Registration No.CG10 C 1317 was stationary at the middle of the road without indicators and the deceased Hemraj Dhruv dashed his motorbike against the said truck resultantly he sustained injuries and during course of treatment succumbed to death. She would submits that the deceased remained hospitalized from 02.02.2019 to 06.02.2019. She would further submits that the deceased was 37 years of age and earning Rs.30,000/- per month. Learned counsel for the appellants submits that learned Tribunal has assessed the notional income of the deceased to be Rs. 6,000/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. She also contended that on conventional heads the Tribunal has not granted proper compensation. She prays to enhance the compensation accordingly.
- 4) Despite service of notice, no representation has been made on behalf of the insurance company.
- 5) I have heard Ms. Jandge at length and perused the record.
- 6) Admittedly, the age of the deceased was 37 years. Although the claimants did not place on record any documentary evidence to

establish the monthly income of the deceased as ₹30,000/-, the learned Tribunal, however, assessed the monthly income of the deceased at ₹6,000/- per month. In the absence of any cogent or reliable evidence regarding the income of the deceased, the Tribunal was required to apply the minimum wages matrix. The minimum wage payable to an unskilled labourer in February, 2019 was ₹8,200/- 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 awarded a sum of ₹75,000/- towards loss of estate and loss of love and affection, ₹15,000/- towards funeral expenses, and only ₹40,000/- towards loss of consortium. The compensation awarded by the Tribunal under the conventional heads also warrants reconsideration.

7) 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.72,000/- (@Rs.6,000 pm)	Rs. 98,400/- (@Rs. 8,200 pm)
2.	Annual income after Deduction Towards Personal Expenses	Rs. 54,000/- (@1/4)	Rs. 73,800/- (@1/4)
3.	Future Prospect	Rs. 67,500/- (@25%)	Rs. 1,03,320/- (@25%)
4.	Annual Income after Applying Multiplier	Rs. 9,45,000/- (@14)	Rs. 14,46,480/- (@14)
5.	Treatment of Deceased	Rs.70,000/-	Rs.70,000/-
6.	Loss of Companionship	Rs.40,000/-	Rs.40,000/-
7.	Loss of Consortium	Rs.75,000/-	Rs. 1,44,000/-

		(Five Claimants)	(Three Claimants)
8.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
9.	Loss of Estate	Nil	Rs.18,000/-
Total		Rs.11,45,000/-	Rs.17,33,480/-

- 8) Accordingly, the amount of compensation of **Rs. 11,45,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 17,33,480/-**. Hence, the appellants are entitled for an additional amount of **Rs. 5,88,480/-**. 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.
- 9) 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