



2026:CGHC:17218

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1921 of 2019**

**1** - Shivkumar Manhar, S/o. Kanhaiyalal, Aged About 45 Years, R/o. Village- Borsi, Police Station- Birra, Post Office- Tal Devri, District (Revenue And Civil )- Janjgir Champa, Chhattisgarh

**2** - Darasmati Manhar @ Savita Bai, W/o. Shivkumar, Aged About 42 Years, R/o. Village- Borsi, Police Station- Birra, Post Office- Tal Devri, District (Revenue And Civil)- Janjgir-Champa, Chhattisgarh.

**... Appellants**

**versus**

**1** - Anandi Singh, S/o. Sahdev Singh Rajput, R/o. Village- Baghlati, Police Station-Mohnpur (Bihar), At Present- Harihant S.T.D./P.C.O. Gurudwara Roud Tatibandh, District (Revenue And Civil)- Raipur Chhattisgarh, (Driver Of Truck C.G.04 E- 2515).

**2** - Samsher Singh Gill, C/o. Rayal Goods Carrier, Ringh Roud, Tatibandh Raipur, District (Revenue And Civil)-Raipur, Chhattisgarh (Owner Of Truck C.G. 04 E-2515).

**3** - The Oriental Insurance Company Limited, Pachpedi Naka Raipur, District (Revenue And Civil)- Raipur, Chhattisgarh (Insurer Of Truck C.G. 04 E-2515).

**... Respondents**

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For Appellants : Mr. Anand Kesharwani, Advocate

For Respondent No.3 : Mr. Abhishek Vinod Deshmukh, Advocate

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**(Single Bench)**

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Judgment on Board**

**15.04.2026**

Heard on I.A.No.1 i.e. application under Section 5 of the Limitation Act.

On due consideration and for the reasons stated in the application, the same is allowed. Consequently, the delay of 292 days in filing the appeal is condoned and the matter is heard finally.

- 1.** This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/ claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 03.10.2018 passed by the Motor Accident Claims Tribunal, Baloda-Bazar, in Claim Case No.04/2018, by which the claim application of the claimants has been allowed and an amount of compensation to the tune of Rs. 6,79,800/- has been awarded to the claimants for the death of Arvind Kumar Manhar, aged about 20 years, at the time of accident.
- 2.** Appellants, who are father & mother of deceased Arvind Kumar Manhar, filed an application under Section 166 of the Act of 1988 before the Motor Accident Claims Tribunal (for brevity “Claims Tribunal”) seeking compensation to the tune of Rs. 62,53,500/-



pleading therein that on the date of accident, deceased Arvind Kumar Manhar, aged about 20 years, was sole bread earner of the family and on account of his untimely death in the accident, the appellants have suffered economical and psychological difficulties.

- 3.** Learned Claims Tribunal, upon appreciation of pleadings and evidence placed on record by respective parties, held that deceased Arvind Kumar Manhar died in the accident arising out of rash & negligent driving of the offending vehicle driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3 herein. Breach of conditions of insurance policy was not found to be proved and after calculating the amount of compensation, the learned Claims Tribunal has awarded Rs. 6,79,800/- with interest @ 9% per annum from the date of filing of claim application.
- 4.** Mr. Anand Kesharwani, learned counsel for the appellants, would submit that the learned Claims Tribunal has awarded very meager amount, as the Claims Tribunal erred in assessing income of deceased to be Rs.4,000/- per month, which should be Rs. 7,930/- per month. as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. Therefore, the instant appeal be allowed and the amount of compensation awarded by the learned Claims Tribunal may be enhanced suitably.



5. Mr. Abhishek Vinod Deshmukh, learned counsel appearing for the respondent No.3/ insurance company, would submit that the appellants have failed to prove the exact income of deceased by producing clinching and admissible piece of evidence, hence, the learned Claims Tribunal is justified in assessing income of deceased on notional basis. The amount of compensation awarded by the learned Claims Tribunal is just and proper, which does not call for any interference.
6. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records minutely.
7. Learned Claims Tribunal has assessed the monthly income of deceased Arvind Kumar Manhar to be Rs. 4,000/- per month, however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be Rs. 7,930/- per month. 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 Sethi**<sup>1</sup>, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**<sup>2</sup> and **Magma General Insurance Co. Ltd. v.**

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1 (2017) 16 SCC 680

2 (2009) 6 SCC 121



Nanu Ram @ Chuhru Ram & Ors<sup>3</sup>, this Court is re-computing the compensation as below:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
Income as per minimum wages	Rs. 4000 per month i.e. Rs. 4000 x 12 = Rs. 48,000/- per annum	Rs. 7,930 per month i.e. Rs. 7,930 x 12 = Rs. 95,160/- per annum
Add future prospects @ 40%	Rs. 48,000 + Rs. 19,200 = Rs. 67,200/-	Rs. 95,160 + Rs. 38,064 = Rs. 1,33,224/-
Deduction of 1/2 towards personal expenses	Rs. 67,200 – 33,600 = Rs.33,600/-	Rs. 1,33,224 – 66,612 = Rs. 66,612/-
Multiplier of 18	Rs. 33,600 x 18 = Rs. 6,04,800/-	Rs. 66,612 x 18 = Rs. 11,99,016/-
Loss of Estate	Rs. 15,000 x 2 = Rs. 30,000/-	Rs. 16,500/-
Funeral Expenses	Rs. 15,000/-	Rs. 16,500/-
Loss of consortium	Rs. 15,000 x 2 = Rs. 30,000/-	Rs. 44,000/- x 2 = Rs. 88,000/-
<b>Total</b>	<b>Rs. 6,79,800/-</b>	<b>Rs. 13,20,016/-</b>

8. In view of the aforesaid analysis, the amount of compensation of **Rs. 6,79,800/-** awarded by the Claims Tribunal is enhanced to **Rs. 13,20,016/-**. Hence, after deducting the amount of **Rs. 6,79,800/-** already awarded by the Claims Tribunal, the appellants are entitled for an additional amount of **Rs. 6,40,216/-**. The concerned

<sup>3</sup> (2018) 18 SCC 130



respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of 45 days. The additional amount of compensation shall carry interest @ 7% *per annum* from the date of filing of claim application before the Tribunal till its realization. However, for the period of 292 days, the appellants will not be entitled for the interest, as the appeal filed herein is delayed by 292 days. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is partly allowed and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**

Ashok