



2026:CGHC:9273

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1374 of 2022

- 1. Devprasad Sai S/o Late Gavar Sai Aged About 54 Years R/o Village Makribandha, Tahsil Duldula, District Jashpur (C.G.)
- 2. Smt. Satrupa W/o Devprasad Sai Aged About 52 Years R/o Village Makribandha, Tahsil Duldula, District Jashpur, (C.G.)
... Appellant(s)

versus

- 1. Santu Ram Chouhan R/o Post Ginabahar, Tahsil Kunkuri, District Jashpur, (C.G.).....(Owner)
- 2. Mahesh Ram Chouhan S/o Santu Ram Chouhan Aged About 40 Years Post Ginabahar, Tehsil Kunkuri, District Jashpur (C.G.).....(Driver)
- 3. The Oriental Insurance Company Divisional Office Ambikapur, Local Branch Office- Patalgaon, District Jashpur (C.G.) (Insurer)
... Respondent(s)

For Appellants	:	Mr. Divyanand Patel, Adv. on behalf of Mr. Rishikant Mahobia, Adv.
For Respondent No. 2	:	Mr. Vikas Upadhyay, Adv.
For Respondent No. 3	:	Mr. Anil Gulati, Adv.

Hon’ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

23.2.2026

- 1) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award

passed by learned Additional Motor Accident Claims Tribunal, Jashpur in Claim Case No. 29/2021 dated 4.7.2022 whereby learned Tribunal has passed an award to the tune of Rs. 11,68,400/- with interest @ 6% on account of death of Rajkumar Sai.

2) Facts of the present case are that on 28.5.2019, Rajkumar Sai was going to Village Karanjtola on motorcycle along with Udal Sai. When they reached near Aam Bagicha, offending vehicle – Motorcycle bearing registration No. CG-14-MH-2827 being driven in rash and negligent manner, dashed the motorcycle. In the accident, Rajkumar Sai sustained grievous injuries and died during course of treatment on 1.6.2019. Claimants, who are the parents of deceased moved claim application claiming therein compensation to the tune of Rs. 30,25,000/-. They pleaded that the deceased was aged 18 years and was earning Rs. 10,000/- per month working as Agricultural laborer. Driver and owner of offending vehicle filed reply and denied plaint averments and pleaded that deceased was a minor. Insurance Company filed reply and took plea of contributory negligence. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.

3) Learned counsel for the appellants 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. Although, he fairly submits that learned Tribunal has awarded just and proper compensation under conventional heads. He prays to modify the award accordingly.

- 4) 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.
- 5) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 6) Admittedly, claimants have not placed on record any document to demonstrate the monthly income of the deceased, therefore learned Tribunal assessed his monthly income to be Rs. 7,000/-. The minimum wage payable to an unskilled laborer in May, 2019 was Rs. 8,400/- per month and learned Tribunal ought to have considered that figure. However, under other conventional heads learned Tribunal has awarded just and proper compensation and same do not warrant any interference.
- 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. 84,000/- (@Rs. 7,000 pm)	Rs. 1,00,800/- (@Rs. 8,400 pm)
2.	Annual income after Deduction towards personal expenses	Rs. 42,000/- (@1/2)	Rs. 50,400/- (@1/2)
3.	Annual Income after applying Multiplier	Rs. 7,56,000/- (@18)	Rs. 9,07,200/- (@18)
4.	Future Prospect	Rs. 3,02,400/- (@40%)	Rs. 3,62,880/- (@40%)
5.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
6.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
7.	Loss of Consortium	Rs. 80,000/- (two claimants)	Rs. 80,000/- (two claimants)
	TOTAL	Rs. 11,68,400/-	Rs. 13,80,080/-

8) Accordingly, the amount of compensation of **Rs. 11,68,400/-** awarded by the Claims Tribunal is enhanced to **Rs. 13,80,080/-**. Hence, the appellants are entitled for an additional amount of **Rs. 2,11,680/-**. 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

Ajinkya