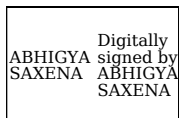




2026:CGHC:9950

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1885 of 2023

1 - Smt. Tulsi Soni W/o Late Thaneshwar Singh Soni, Aged About 22 Years R/o Contractor Colony, Near Shiv Mandir, Ward No. 12, Supela Bhilai, District Durg Chhattisgarh.

2 - Rudra Singh Soni S/o Thaneshwar Singh Soni, Aged About 2 Years Minor, Presented Though Legal Guardian Mother Smt. Tulsi Soni, Wd/o Late Thaneshwar Singh Soni, R/o Contractor Colony, Near Shiv Mandir, Ward No. 12, Supela Bhilai, District Durg Chhattisgarh.

... **Petitioner(s)**

versus

1 - Avdhev Sao S/o Late Sonu Sao, Aged About 30 Years R/o Qt. N. 73, Ward No. 13, Rajiv Nagar, Near B.C.J. School Supela, Bhilai, District Durg Chhattisgarh. Driver And Owner Of The Offending Vehicle.

2 - Manager, Magma, H.D.I., General Insurance Co. Ltd., Divisional Office Hotel Aamantran, Satya Shanti Complex, G.E. Road, Supela, Bhilai, District Durg Chhattisgarh Insurer Of The Offending Vehicle.

3 - Smt. Rajkumari Soni, W/o Pratap Soni, Aged About 83 Years R/o. Atal Awash, Kolar Road, Abhanpur, Near Police Station Abhanpur, District Raipur Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Ms. Dhaneshwari Patel, counsel

For Insurance Company : Mr. Sourabh Sharma, Ms. Harneet Kaur and

Ms. Mansi Bande, counsel

(Hon'ble Shri Justice Rakesh Mohan Pandey)

Order on Board

26/02/2026

1. The Claimants have preferred this appeal under Section 173 of the Motor Vehicles Act assailing the judgment and award passed by the learned Motor Accident Claims Tribunal Durg in Claim Case No.15/2020 dated 26.07.2023 whereby the learned Tribunal has granted compensation to the tune of Rs.10,78,000/- with interest @ 6% per annum on account of death of Thaneshwar Singh Soni.
2. Facts of the case, in brief, are that on 01.11.2019, the driver of offending vehicle bearing Registration No. CG07-BF-3674 while driving rashly and negligently dashed the vehicle into the back side of the truck resultantly the deceased sustained injuries and then succumbed to death. The claimants, who are mother, wife and son, filed claim cases under Section 166 of the Motor Vehicles Act wherein they pleaded that the age of deceased was 37 years and was earning Rs.10,000/- per month. They claimed a sum of Rs.24,45,000/- before the Tribunal.
3. 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 in the Tribunal has not granted separate compensation for loss of consortium to the mother and

child of the deceased. She prays to enhance 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. The driver of the offending vehicle remained *ex-parte* before the Tribunal.
6. The Tribunal framed issues, parties led evidence and thereafter award was passed.
7. I have heard learned counsel for the parties and perused the record.
8. It appears that Claim Case No. 15/2020 was filed by the widow and minor child of the deceased, whereas Claim Case No. 548/2019 was filed by the mother of the deceased. Thus, there were three dependents. The learned Tribunal, however, assessed the monthly income of the deceased at ₹6,000/-. 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 November, 2019 was ₹8,600/- per month; therefore, the learned Tribunal ought to have considered the said figure while assessing the income of the deceased. Further, the Tribunal awarded a sum of ₹40,000/- towards loss of consortium to the wife of the

deceased but failed to grant separate compensation towards loss of consortium to the child and the mother of the deceased.

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.72,000 /- (@Rs.6,000 pm)	Rs. 1,03,200/- (@Rs. 8,600 pm)
2.	Annual income after Deduction towards personal expenses	Rs. 48,000/- (@1/3)	Rs. 68,800/- (@1/3)
3.	Future Prospect	Rs. 67,200/- (@40%)	Rs. 96,320/- (@40%)
4.	Annual Income after applying Multiplier	Rs. 10,08,000/- (@15)	Rs. 14,44,800/- (@15)
5.	Loss of Consortium to wife	Rs.40,000/-	Rs.40,000/-
6.	Loss of Consortium to child and mother	Nil	Rs. 96,000/- (to child and mother)
7.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
8.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
	TOTAL	Rs. 10,78,000/-	Rs. 16,10,800/-

10. Accordingly, the amount of compensation of **Rs. 10,78,000/-** awarded by the Claims Tribunal is enhanced to **Rs. 16,10,800/-**. Hence, the appellants are entitled for an additional amount of **Rs.**

5,32,800/-. 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.

Certified Copy as per rules.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Saxena