



2026:CGHC:3516

-1-



2026:CGHC:3516

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1337 of 2022

1 - Smt. Binda Bai Nishad W/o Umreth Nishad Aged About 38 Years R/o Village-Amalkunda, Post-Damru, Police Station-Balodabazar, Tahsil-Balodabazar, District Balodabazar-Bhatapara (C.G.)

2 - Umreth Nishad S/o Harishankar Nishad Aged About 40 Years R/o Village-Amalkunda, Post-Damru, Police Station-Balodabazar, Tahsil-Balodabazar, District Balodabazar-Bhatapara (C.G.)

... Appellants

versus

1 - Chandraprasad Sahu @ Lala S/o Ramkhilawan Aged About 23 Years R/o Village-Ward No. 10 Lawan, Police Station-Kasdol, District-Balodabazar-Bhatapara (C.G.)

2 - Tata A.I.G. General Insurance Company Limited Through The Branch Manager, Branch Office, R/o T-8 Fourth Gwalani Chamber, Police Station-Tarbahar, Vyapar Vihar, Main Road, Bilaspur, Tahsil And District Bilaspur (C.G.)

... Respondents

For Appellants/Claimants	: Ms. Deeksha Jaiswal, Advocate holding the brief of Mr. Goutam Khetrpal, Adv.
For respondent No.2/Insurance Company	: Mr. Sourabh Gupta, Advocate holding the brief of Mr. Sourabh Sharma, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

21.01.2026

1) Heard.

2) The appellants/claimants have filed this appeal for enhancement of compensation assailing an award passed by the learned Third Additional Motor Accidents Claims Tribunal, Bilaspur(C.G.) in Claim Case No.1048/2019 dated 25.07.2022 whereby, the learned Tribunal has



granted compensation to the tune of Rs.13,00,360/- with interest @ 9% per annum on account of death of Prem Nishad.

- 3) The facts of the present case are that on 05.03.2019, the deceased Prem Nishad along with his friends Goverdhan and Anil Patel were going from Pandari on motorcycle and at that time, the driver of the offending motorcycle Honda Dream bearing registration No.C.G.-22-M-6571 by driving it rashly and negligently dashed the motorbike of the deceased Prem Nishad, resultantly, Anil Patel sustained grievous injuries and Prem Nishad and Goverdhan lost their lives.
- 4) The claimants, who are parents of the deceased Prem Nishad filed a claim case under Section 166 of the Motor Vehicles Act, wherein, they pleaded that at the time of accident age of the deceased was 19 years and earning Rs.8,000/- per month.
- 5) Ms. Jaiswal, learned counsel appearing for the appellants would submit that the learned Tribunal has considered the income of deceased Rs.7,800/- per month which is at lower side. It is contended that the deceased was a motor-mechanic and sufficient evidence was adduced by claimant No.1 to prove this fact but the learned Tribunal discarded said piece of evidence. She would contend that on conventional heads, learned Tribunal has granted meager amount. She would pray to enhance the compensation accordingly.
- 6) On the other hand, Mr. Gupta, learned counsel appearing for the



respondent/Insurance Company would oppose the submissions made by Ms. Jaiswal. He would submit that the claimants failed to prove income of the deceased by leading cogent evidence, therefore, learned Tribunal rightly assessed the income of deceased Rs.7,800/- per month. He would further submit that the learned Tribunal has granted just and proper compensation on conventional heads. He would lastly submit that the appeal deserves to be dismissed.

- 7) I have heard the learned counsel appearing for the parties and perused the record with utmost circumspection.
- 8) A perusal of evidence of claimant No.1 namely, Smt. Binda Bai would reveal that she failed to place on record any document to demonstrate that the deceased was a motor-mechanic even she has not examined independent witness to prove this fact. In absence of evidence with regard to income of deceased, learned Tribunal should have applied minimum wages matrix. The minimum wage admissible to an unskilled labourer in the month of March, 2019 was Rs.8,140/- and this figure should have been taken by the learned Tribunal while assessing the income of deceased. Learned Tribunal has applied multiplier of 18 looking to the age of the deceased; deducted 1/2 of the dependency for personal and living expenses of deceased as he was bachelor; granted proper compensation for loss of consortium; loss of estate and funeral expenses and also granted compensation for future prospects.



9) The above-discussed facts would show that the learned Tribunal has not assessed the income of the deceased properly and it requires reconsideration.

10) Taking into consideration the above-discussed facts, in my opinion, the compensation requires recomputation and same is being revisited herein below:

Sr. No.	Heads	Compensation awarded by Tribunal	Compensation awarded by this Court
1.	Income	Rs.7800x12= Rs.93,600/-	Rs.8,140x12=Rs.97,680
2.	Future Prospect	40% of 93,600 = 37,440/- 93,600+ 37,440 = 1,31,040	40% of 97,680 = 39,072 97,680 + 39,072=1,36,752
3.	Deduction	(-) 1/2 =Rs.65,520/- 1,31,040 – 65,520=65,520	(-) 1/2= Rs.68,376 1,36,752 – 68,376=68,376
4.	Multiplier	(x) 18 = Rs. 11,79,360	(x) 18 =Rs. 12,30,768
5.	Other heads- loss of Consortium (for appellant No.1 & 2)	Rs.44,000 x 2= Rs.88,000	Rs.44,000 x 2= Rs.88,000
6.	Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
7.	Loss of Estate	Rs.16,500/-	Rs. 16,500/-
8.	Total	Rs. 13,00,360/-	Rs. 13,51,768/-

11) Accordingly, the amount of compensation of Rs.13,00,360/- awarded by the Claims Tribunal is enhanced to Rs.13,51,768/-. Hence, after deducting the amount of Rs.13,00,360/-, the appellants are entitled for an additional amount of **Rs.51,408/-**. The additional amount of



2026:CGHC:3516

-5-

compensation shall carry interest @ 9% per annum from the date of application till the date of its realization. The rest of the terms and conditions of award shall remain intact.

- 12) Accordingly, this appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Rakesh Mohan Pandey)
Judge

Rekha