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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2453 of 2024**

1 - Smt. Ramta Bai Sahu W/o Late Rajkumar Sahu Aged About 52 Years R/o Village Turijhar, P.S. And Post Tendukona District- Mahasamund (C.G.).

2 - Lakeshwar Sahu S/o Late Rajkumar Sahu Aged About 33 Years R/o Village- Turijhar, P.S. And Post- Tendukona, District- Mahasamund (C.G.).

3 - Avan Sahu S/o Rajkumar Sahu Aged About 29 Years R/o Village- Turijhar, P.S. And Post- Tendukona, District- Mahasamund (C.G.).

4 - Smt. Lukeshwari Sahu W/o Shri Topram Sahu Aged About 33 Years R/o Tendukona, Tahsil- Bagbahra, District- Mahasamund (C.G.) (Wrongly Mentioned As D/o Late Tendukona)

5 - Smt. Santoshi Sahu W/o Shri Basant Sahu D/o Late Rajkumar Sahu Aged About 35 Years R/o Village And Post- Bakma, P.S.- Bagbahra, District- Mahasamund (C.G.).

6 - Smt. Kunti Bai Sahu W/o Shri Leelaram Sahu D/o Late Shri Rajkumar Sahu Aged About 40 Years R/o Village- Kotanpali, Post- Samhar, P.S. Bagbahra, District- Mahasamund (C.G.).

... Appellants

**versus**

1 - Omprakash Sahu S/o Milan Sahu Aged About 24 Years R/o Village-Farfaud, Police Station And Tahsil- Arang, District- Raipur (C.G.).
(Owner And Driver Of Vehicle Tracks Toofan No. Cg-04-E- 2445)

2 - The Manager, The New India Insurance Company Limited, Second Floor, Phase- 1, Lic Camps, Investment Building, Indian L.I.C. Road, Pandari, Raipur, District- Raipur (C.G.) (Insurer Of Vehicle Tracks Toofan No. Cg-04-E- 2445)

... Respondents

For Appellants	:	Shri R.V. Ram Rajwade, Advocate
For Respondent No.2	:	Shri Deepak Gupta, Advocate
For Respondent No.1	:	None, despite service of notice

Hon'ble Shri Justice Sachin Singh Rajput**Order on Board****18/03/2026**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') calls in question validity, correctness and judicial propriety of the award dated 13.6.2024 passed by the 1st Additional Motor Accidents Claims Tribunal, Mahasamund, District Mahasamund (Chhattisgarh) (for short 'Claims Tribunal') in Case No.H-90 of 2023.
2. By the award impugned, learned Claims Tribunal has awarded compensation of Rs.7,81,220 on account of death of Rajkumar Sahu in an accident that occurred on 8.2.2023 by rash and negligent driving of the offending vehicle Tracks Toofan bearing registration No.CG 04 E 2445 driven and owned by respondent No.1 and insured with respondent No.2.



- 3.** As per the pleadings of the claim application, the deceased was aged about 54 years. He was a mason and was earning Rs.500 per day. He met with the accident due to rash and negligent driving of the offending vehicle which resulted into his death. Total compensation of Rs.20,00,000 was claimed.
- 4.** Respondents No.1 and 2 denied the averments of the claim application. Respondent No.2/insurance company also pleaded that the deceased was driving his motorcycle without having any valid licence and three persons were sitting on the motorcycle. The motorcycle was being driven rashly and negligently and the deceased fell down due to his own negligence.
- 5.** On the basis of above pleadings, learned Claims Tribunal framed five issues and having decided the same awarded the above stated compensation.
- 6.** Learned counsel for the appellants submits that the amount of compensation is on lower side; income of the deceased has wrongly been assessed; meager amount of compensation has been awarded on other heads and thus compensation may be enhanced suitably.
- 7.** Opposing the above submission, learned counsel for respondent No.2/insurance company supported the impugned award. He submits that the appellants/claimants could not prove the profession and income of the deceased. Thus, the learned Claims Tribunal has rightly assessed monthly income of the deceased to Rs.9,700 on the basis of minimum wages. He further submits



that just compensation has been awarded. The appeal has no merit and it deserves to be dismissed.

8. I have heard the rival contentions put forth on behalf of the parties and perused the record of the Claims Tribunal with due care.
9. Learned Claims Tribunal found monthly income of the deceased to Rs.9,700 and also deducted 1/2 for his personal and living expenses after adding 10% future prospects. The Claims Tribunal has not awarded any parental consortium to the sons and daughters of the deceased. The accident took place on 8.2.2023. Taking into consideration the evidence available on record, the age of the deceased, nature of his job, minimum wages and the number of dependents, this Court can safely hold that the deceased was a skilled labour and he was earning Rs.11,000 per month.
10. In the light of the judgments of the Hon'ble Supreme Court rendered in the matters of **National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Sarla Verma and others v. Delhi Transport Corporation and others, (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, this Court recomputes the compensation in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1	Annual Income (Rs.11,000 x 12 = Rs.1,32,000)	1,32,000
2	Income with Future Prospects	1,45,200



	(Rs.1,32,000 × 10% Future Prospects = Rs.13,200; Rs.1,32,000 + Rs.13,200 = Rs.1,45,200)	
3	Income after Deduction of Personal and Living Expenses of the Deceased (Rs.1,45,200 / 3 = Rs.48,400; Rs.1,45,200 - Rs.48,400 = Rs.96,800)	96,800
4	Loss of Dependency after Application of Multiplier (Rs.96,800 × 11 = Rs.10,64,800)	10,64,800
5	Funeral Expenses	16,500
6	Loss of Estate	16,500
7	Spousal Consortium	44,000
8	Parental Consortium (Rs.40,000 × 5 = Rs.2,00,000)	2,00,000
Total Compensation =		13,41,800
(-) Compensation Awarded by the Claims Tribunal =		7,81,220
Enhancement in Compensation =		5,60,580

- 11.** In view of the aforesaid analysis, the appellants/claimants are held to be entitled to an additional amount of compensation of Rs.5,60,580. The enhanced amount of compensation shall carry simple interest @ 6% per annum from the date of filing of the instant appeal till final payment of the enhanced compensation. Respondent No.2/insurance company is directed to deposit the amount of compensation as enhanced by this Court along with the interest within a period of 60 days from the date of receipt of a copy of this order. Out of the enhanced amount of compensation, 50% amount shall be invested in a fixed deposit in the name of appellant No.1 in a nationalised bank for a period of 2 years. Rs.40,000 each, total Rs.2,00,000, shall be disbursed



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to appellants No.2 to 6. Remaining amount shall be disbursed to appellant No.1. Rest of the impugned award shall remain intact.

- 12.** Accordingly, the appeal is allowed in part and the impugned award is modified to the extent shown above.

Sd/-

(Sachin Singh Rajput)

JUDGE