



CGHC010177972024



2026:CGHC:33829

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1244 of 2024**

1 - Smt. Rajni Bai W/o Late Lokesh Kumar Tandan Aged About 30 Years Vill. And Post Bilaigarh, Dist-Balodabazar (C.G.).

2 - Ku. Madhulika D/o Lokesh Kumar Tandan Aged About 10 Years Minor, Legal Guardina Mother/ Appellant No.1 Through Vill. And Post Bilaigarh, Dist-Balodabazar (C.G.).

3 - Taran Bai W/o Late Suklal Tandan Aged About 65 Years Vill. And Post Bilaigarh, Dist-Balodabazar (C.G.).

4 - Khemendra Tandan S/o Late Lokesh Kumar Tandan Aged About 7 Years Minor Legal Guardian Mother/ Appellant No. 1 Vill. And Post Bilaigarh, Dist-Balodabazar (C.G.).

... Appellants**versus**

1 - Upesh Jha S/o Subdhnarayan Jha, R/o Housing Board, Bhilai P.S. Jamul Dist- Durg (C.G.).

2 - Arihant Transport Agency, Through- Jaswant Singh S/o Premsingh R/o Transport Nagar Bhiai, P.S. Bhilai Dist- Durg (C.G.). (Owner Of Vehicle No. M.H.-19-Z-3285)

3 - H.D.F.C. Irgo General Insurance Company Ltd. Through In Charge Officer, Address- Second Floor, Pujari Complex, Raipur District- Raipur (C.G.). (Insurer Of Vehicle No. M.H.-19-Z-3285)

--- Respondent(s)

For Appellants

: Mr. Rakesh Kumar Thakur, Advocate

For Respondents No.1 & 2 : None
For Respondents No.3 : Mr. Sangeet Kumar Kushwaha,
Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(04.08.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants seeking enhancement of the amount of compensation, challenging the impugned award dated 11.01.2024, passed in Claim Case No.219/2015, passed by learned 9th Additional Motor Accident Claims Tribunal, Raipur (C.G.), whereby the learned Claims Tribunal has awarded a total sum of Rs.9,87,464/- as compensation for the death of Lokesh Kumar Tandan who was aged about 20 years and died in a road accident which took place on 19.10.2014.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased on the lower side, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. Learned counsel for respondent No.3/insurance company would submit that the Claims Tribunal after appreciating oral and documentary evidence available on record rightly awarded the compensation amount. Hence, the compensation awarded by the Claims Tribunal is just and proper and requires no interference.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. In the case at hand, true it is that the learned Tribunal has taken the monthly income of the deceased to be Rs.3,432/-, which ought to be Rs.5,517/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, to that extent the impugned award needs to be modified.
6. 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 Sethi¹, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors² and Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Income	Rs. 3432/-	Rs. 5517 x 12 = 66,204/-
2.	Future prospect	(+)40% (i.e. Rs. 1373) = 4,805/-	(+)40% (i.e. Rs. 26481.6) = 92,685.6/-
3.	Deduction	(-) 1/4 (i.e. 1,201) = 3,604/- (3604 x 12 = 43,248/- annual income)	(-) 1/4 (i.e. 23171.4) = 69,514.2/- in round figure 69,514/-
4.	Multiplier	(x) 18 =	(x) 18 =

1 (2017) 16 SCC 680
2 (2009) 6 SCC 121
3 (2018) 18 SCC 130

		7,78,464/-	12,51,252/-
5	Other conventional heads	Rs. 2,09,000/-	Rs. 2,09,000/- (16500+16500+176000)
	Total	Rs. 9,87,464/-	Rs. 14,60,252/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.9,87,464/- awarded by the Claims Tribunal is enhanced to Rs.14,60,252/-. Hence, after deducting the amount of Rs.9,87,464/-, the appellants are held entitled for an additional amount of Rs.4,72,788/-. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award including the order of pay and recover shall remain intact.
8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
9. The Registry is directed to communicate the claimants in writing “the enhanced amount” in this appeal as against the award made by the concerned Tribunal. The said communication be made in Hindi Deonagri language and the help of paralegal workers may be availed with a co-ordination of Secretary, Legal Aid of the concerned area wherein the claimants resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge