CGHC010096872024 2026:CGHC:41375

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 578 of 2024

1 - Lisha Kanwar W/o Late Rakesh Kumar Paikra Aged About 32 Years R/o Santoshi Mandir Padimar Balco Nagar, Korba, District Korba Chhattisgarh 495648 Present Address C/o Dr. Ramshankar Paikra, Plot No. 08, In Front Of Garden Samridhi Clony Ward No. 17, Baloda Bazar, Tahsil And Police Station Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

2 - Minor Vedika Paikra D/o Late Rakesh Kumar Paikra D/o Late Rakesh Kumar Paikra Aged About 7 Years Through Legal Gruardian Mother And Lawful Guardianship Natural Appellant No. 2 Mother Lisha Kanwar W/o Late Rakesh Kumar Paikra R/o Santoshi Mandir Padimar Balco Nagar, Korba, District Korba Chhattisgarh 495648 Present Address C/o Dr. Ramshankar Paikra, Plot No. 08, In Front Of Garden Samridhi Clony Ward No. 17, Baloda Bazar, Tahsil And Police Station Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

3 - Minor Parth Paikra D/o Late Rakehs Kumar Paikra, Aged About 2 Years Through Legal Gruardian Mother And Lawful Guardianship Natural Appellant No. 2 Mother Lisha Kanwar W/o Late Rakesh Kumar Paikra R/o Santoshi Mandir Padimar Balco Nagar, Korba, District Korba Chhattisgarh 495648 Present Address C/o Dr. Ramshankar Paikra, Plot No. 08, In Front Of Garden Samridhi Clony Ward No. 17, Baloda Bazar, Tahsil And Police Station Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

4 - Rajkumar Paikra S/o Gulbadan Paikra, Aged About 65 Years R/o Santoshi Mandir Padimar Balco Nagar, Korba, District Korba Chhattisgarh 495648 Present Address C/o Dr. Ramshankar Paikra, Plot No. 08, In Front Of Garden Samridhi Clony Ward No. 17, Baloda

Bazar, Tahsil And Police Station Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

5 - Rameshwari Paikra W/o Rajkumar Paikra Aged About 63 Years R/o Santoshi Mandir Padimar Balco Nagar, Korba, District Korba Chhattisgarh 495648 Present Address C/o Dr. Ramshankar Paikra, Plot No. 08, In Front Of Garden Samridhi Clony Ward No. 17, Baloda Bazar, Tahsil And Police Station Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

... Appellants

versus

1 - Premchand Yadav S/o Girand Singh Yadav Aged About 40 Years R/o Purani Chhawani Dhoulpur, Rajsthan Pin 328001 Present Address Near Railway Gate Talbhadra, P.O. Barhan, District Agra (U.P.) 283201. (Driver Of Allege Offending Vehilce Truck Bearing Registration No. Up. 83-At-9286)

2 - Amit Kumar Goutam S/o Bacchulal Goutam, Aged About 32 Years R/o Near Railway Gate Talbhadra, P.O. Barhan, District Agra (U.P.) 283201. (Owner Of Allege Offending Vehilce Truck Bearing Registration No. Up. 83-At-9286)

3 - National Insurance Company Limited, Branch Office Second Floor, Mobin Mahal, G.E. Road Raipur District Raipur Chhattisgarh. (Insurer Of Allege Offending Vehicle Truck Bearing Registration No. Up. 83-At-9286)

... Respondents

For Appellants/Claimants	:	Mr. S.P. Sahu, Advocate.
For Respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Mr. B.N. Nande, Advocate along with Mr. Abhishek Mishra, Advocate.

<u>Hon'ble Shri Justice Sanjay Kumar Jaiswal</u>
<u>Judgment on Board</u>

(23.09.2026)

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 20.02.2024, passed in Claim Case No.109/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.85,04,709/- as compensation for the death of Late Rakesh Kumar Paikra, who died in a road accident which took place on 27.05.2022.

2. Learned counsel for the Appellants submitted that the learned Tribunal erred in law by applying a multiplier of 13. The Tribunal itself found that the date of Birth of the Deceased is 05.01.1982 (as per Exhibit A-17, Income Tax Return) and the date of death of the deceased was 28.05.2022. Accordingly, at the time of the fatal accident, the deceased was aged 40 years, 4 months, and 26 days. As per the binding guidelines established by the Hon'ble Supreme Court in the landmark judgment of **Sarla Verma & Others v. Delhi Transport Corporation & Another ((2009) 6 SCC 121)**, for victims falling within the age bracket of 36 to 40 years, the applicable multiplier is 15, not 13. Because the deceased had not yet completed his 41st year, he squarely falls within the 36–40 age category. It is therefore contended that the Tribunal committed a patent error in applying a multiplier of 13. The appeal deserves to be allowed on this count, and the compensation ought to be suitably enhanced by adopting the correct multiplier of 15 in accordance with the law.

3. Learned counsel for Respondent No.3/Insurance Company supported the impugned award.

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. So far as the age of the deceased is concerned, as per Income tax return (Ex.A-17), his date of birth was 05.01.1982, whereas the date of death was 28.05.2022. Thus, on the date of the accident, the deceased was aged about 40, 04 months and 26 days and had not completed 41 years of age.

6. In ***Shashikala & Others vs. Gangalakshmamma & Another, (2015) 9 SCC 150,*** the Hon'ble Supreme Court, while considering the age of the deceased for the purpose of determining the appropriate multiplier, has held that the completed years of age are to be taken into consideration. The relevant observation made by the Hon'ble Supreme Court in paragraph 16 reads as under:

> *"16. Insofar as appropriate multiplier, the date of birth of the deceased as per driving licence was 16-6-1961. On the date of accident i.e. 14-12-2006, the deceased was aged 45 years 5 months and 28 days and the Tribunal has taken the age as 46 years. Since the deceased has completed only 45 years, the High Court has rightly taken the age of the deceased as 45 years and adopted multiplier of 14 which is the appropriate multiplier and the same is maintained. Total loss of dependency is calculated at Rs. 16,82,310 (Rs. 1,20,165x14)."*

7. In the case at hand, the learned Tribunal placed reliance on Exhibit A-28 and assessed the deceased's monthly income at ₹84,072/-, which remains undisputed. Furthermore, accounting for the age of the deceased, an addition of 30% toward future prospects was appropriately made—a point likewise undisputed. Given that the deceased left behind five dependent family members, a deduction of 1/4th toward personal and living expenses was correctly applied, alongside income tax deductions applicable for the relevant period. However, the Tribunal fell into patent error in two critical aspects:

(1) Application of Incorrect Multiplier: The Tribunal applied a multiplier of 13. However, since the deceased was aged 40 years, 4 months, and 26 days at the time of the fatal accident, meaning he had not completed his 41st year, the correct and applicable multiplier under the framework of ***Sarla Verma***

(supra) is 15, not 13.

(2) Inadequate Sum Under Conventional Heads: The Tribunal awarded a meager lump-sum of ₹70,000/- under conventional heads. In accordance with settled jurisprudence (including ***National Insurance Company Ltd. v. Pranay Sethi ((2017) 16 SCC 680)*** and subsequent judicial enhancements for inflation and spousal/parental/filial consortium), this figure deserves enhancement to ₹2,53,000/- to comprehensively cover Loss of Estate, Funeral Expenses, and Loss of Consortium for each dependent. Consequently, the impugned award warrants suitable modification to rectify the multiplier and enhance the conventional heads in the interest of justice.

8. Thus, taking monthly income of the deceased as Rs. 84,072/- (as per Ex.A-28), i.e. Rs. 10,08,864/- per annum. The deceased was salaried person so considering the age of the deceased i.e. 40 years as per ***National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680***, the future prospects would be 30%. After adding 30% future prospects i.e. Rs. 3,02,659/- the annual income of the deceased comes to Rs. 13,11,523/- (10,08,864+3,02,659).

9. It transpires from the judgment of the Tribunal that the Tribunal, while calculating the compensation after adding 30% future prospects to the annual income of the deceased and after applying a multiplier of 13, a total tax of Rs. 58,03,520/- has been deducted, but the tax slab for the said period has not been discussed.

10. From the annual income of the deceased, there will be statutory deduction towards income tax. The income tax slab for the financial year 2022-2023 was as follows:

Income Tax Slabs in the FY 2022-2023	Income Tax Rates	Taxable Income	Total Tax
Upto 2.5 lakh	nill	Rs. 2,50,000/-	nill
2,50,001 to 5 lakh	5%	Rs. 2,50,000/-	Rs. 12,500/-

5,00,001 to 10 lakh	20%	Rs. 5,00,000/-	Rs. 1,00,000/-
10,00,001 to 15 lakh	30%	Rs. 3,11,523/-	Rs. 93,457/-
	Total	**Rs. 13,11,523/-**	**Rs. 2,05,957/-**
Education Cess	4%	Rs. 2,05,957/-	Rs. 8,238/-
		Total Tax	**Rs. 2,14,195/-**

11. In view of the above, after deduction of income tax, the annual income comes to Rs.10,97,328/- (13,11,523-2,14,195).

12. Accordingly, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **Pranay Sethi** (supra), **Sarla Verma** (supra) and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**[1], this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by this Court
1	Income	Rs. 84,072 x 12 = 10,08,864/-
2.	Future prospect	(+)30% (i.e. Rs. 3,02,659) = 13,11,523/-
	Tax deduction	Rs. 13,11,523-2,14,195 = 10,97,328/-
3.	Deduction towards personal expenses	(-) 1/4 (i.e. 2,74,332) = 8,22,996/-
4.	Multiplier	(x) 15 = 1,23,44,940/-
5	Other conventional heads	Rs. 2,53,000/- [16,500+16,500+(44000x5)]
	Total	**Rs. 1,25,97,940/-**

13. In view of the aforesaid analysis, the amount of compensation of Rs.85,04,709/- awarded by the Claims Tribunal is enhanced to Rs.1,25,97,940/-. Hence, after deducting the amount of Rs.85,04,709/-, the appellants are held entitled for an additional amount of **Rs.40,93,231/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim petition before the claims Tribunal till its realization. Rest of the conditions of the impugned award

1 (2018) 18 SCC 130

shall remain intact.

14. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.

15. 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

H.L. Sahu