



CGHC010285672024



2026:CGHC:44191

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1658 of 2024**

1 - Fatteram Yadav S/o Late Shukalu Yadav, Aged About 55 Years
R/o Village Kauhabahara, Tahsil Nagri, District- Dhamtari (C.G.) -----
(Claimant)

... Appellant**versus**

1 - Daneshwar Potai S/o Fulsingh Potai, Aged About 21 Years R/o
Village Bastar-Buda, P.S. Vishrampuri, District Kondagaon (C.G.) -----
(Driver Bolero Car No. C.G.-19-C-0854)

2 - Birendra Kumar Markam S/o Chhabilal Markam, Aged About 29
Years R/o Village- Bastar-Buda, P.S. Vishrampuri, District
Kondagaon (C.G.) -----(Owner Bolero Car No. C.G.-19-C-0854)

3 - United India Insurance Co. Ltd. Through Branch Manager-
Branch Office Jagdalpur O/o Floor No.1, Anupama Chawk,
Jagdalpur, District Bastar (C.G.)

... Respondents

For Appellant/Claimant : Mr. Prakshay Shrivastava, Adv. on
behalf of Mr. Mayank Chandrakar, Adv.

For Respondents No. 1 & 2 : None.

For Respondent No. 3 : Mr. Pravesh Sahu, Adv. on behalf of
Mr. Dashrath Gupta, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****(13.10.2026)****1. This is an admitted appeal.**

2. With the consent of the parties, the matter was heard finally.
3. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant/claimant seeking enhancement of the amount of compensation, challenging the impugned award dated 02.03.2024, passed in Claim Case No.12/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.73,000/- as compensation for the death of Late Sukho Bai Yadav (90 years old), who died in a road accident which took place on 04.09.2020.
4. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. The Claims Tribunal has assessed the income of the deceased as Rs.4,500/- per month, whereas the minimum wages for an unskilled labourer were on the higher side on the date of the accident i.e. 04.09.2020; therefore, the income of the deceased should be considered on the higher side, and the compensation awarded by the Claims Tribunal may suitably be enhanced.
5. Learned counsel for respondent No. 3 (Insurance Company) supported the impugned award, submitting that the deceased was approximately 90 years old at the time of the accident. At this advanced age, it was improbable for the deceased to engage in strenuous manual labour, making the income assessed by the Claims Tribunal just and proper. Furthermore, given the deceased's age of 90 years, no addition should be made for future prospects under the established law, and a multiplier is not applicable. Consequently, the impugned award is just and proper, requiring no further enhancement.
6. I have heard learned counsel for the parties and went through the records with utmost circumspection.

7. In the case at hand, the learned Tribunal, upon a careful appreciation of the evidence, held that the claimant is 55 years old, self-earning, and was not dependent on the deceased. The claimant failed to produce any documentary evidence to prove the income of the deceased, who was 90 years old (as per Merg intimation, Ex.P-3 and Postmortem report, Ex.P-6) at the time of the accident. The Tribunal noted that it is not credible that a person of such advanced age could perform strenuous manual labour; however, the deceased managed household chores and indirectly contributed to the family's economic upkeep. Accordingly, the Tribunal deemed it appropriate to assess the notional income of the deceased at Rs. 4,500/- per month. Furthermore, the Tribunal observed that on the date of the accident, there were no dependent legal representatives. Consequently, in accordance with settled law, a deduction of 1/3rd was applied toward personal and living expenses. Because the deceased was 90 years old, neither future prospects nor a multiplier could be applied under the law. After deducting 1/3rd from the annual income, the annual dependency was computed at Rs. 36,000/-. However, applying a multiplier of 0 corresponding to the age of 90 years, the total loss of dependency was assessed at Rs. 0. Nevertheless, as the claimant is the son of the deceased, he was held entitled to conventional heads of compensation: Rs. 16,500/- toward loss of estate, Rs. 16,500/- toward funeral expenses, and Rs. 40,000/- awarded as parental consortium. Consequently, the Claims Tribunal awarded a total compensation of Rs. 73,000/- in favour of the claimant/appellant.
8. Considering that the incident occurred in the year 2020 and there is only a single claimant (the son of the deceased), the claimant is entitled to compensation under conventional heads in accordance with settled law: Rs. 16,500/- toward loss of estate, Rs. 16,500/- toward funeral expenses, and Rs. 44,000/- toward loss of parental consortium (inclusive of

statutory enhancement). Therefore, in the interest of justice, it would be appropriate to enhance the total compensation awarded by the Tribunal from Rs. 73,000/- to **Rs. 1,25,000/-**.

9. In view of the aforesaid, the amount of compensation of Rs.73,000/- awarded by the Claims Tribunal is enhanced to Rs.1,25,000/-. Hence, after deducting the amount of Rs.73,000/-, the appellant is held entitled for an additional amount of **Rs.52,000/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the appeal before this Court i.e. 16.08.2024 till its realization. Rest of the conditions of the impugned award shall remain intact.

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

11. The Registry is directed to communicate the claimant 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 claimant resides.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu