



CGHC010414382024



2026:CGHC:41895

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2295 of 2024**

1 - Salanti Minj W/o Late Shri Shyam Minj Aged About 29 Years
Current Address - Dingapur Post ITI, Rampur Makan No. 232 Ward
No. 32 District And Tehsil Korba, Korba, Chhattisgarh.

2 - Mariyam Minj D/o Late Shri Shyam Minj Aged About 2 Years
Through The Natural Guardian Mother - Salantiminj, Current
Address - Dingapur Post ITI, Rampur Makan No. 232 Ward No. 32
District And Tehsil Korba, Korba, Chhattisgarh.

3 - Gendram Minj S/o Late Sudhu Aged About 75 Years Current
Address - Dingapur Post ITI, Rampur Makan No. 232 Ward No. 32
District And Tehsil Korba, Korba, Chhattisgarh.

4 - Tigo Minj W/o Gendram Minj Aged About 57 Years Current
Address - Dingapur Post ITI, Rampur Makan No. 232 Ward No. 32
District And Tehsil Korba, Korba, Chhattisgarh.

... Appellants**versus**

1 - Vidya Sahu S/o Puran Lal Sahu Aged About 28 Years R/o
Tendumar, Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.
(Driver Of Tractor)

2 - Pural Lal Sahu R/o Tendumar, Tehsil Dharamjaigarh, District
Raigarh Chhattisgarh. (Owner)

3 - Megma HDI General Insurance Company Limited Through Branch
Manager, Megma Hdi General Insurance Company Limited At Office
501, 509, 512 5th Floor Db City Corporate Park, Block No. 9
Rajabaandha Maidaan, Raipur District Raipur, Conerned Address
Power House Road Near Hdfc Bank District Korba Chhattisgarh.

... Respondents

For Appellants	:	Mr. Uttam Chand, Adv. on behalf of Mr. Aishwarya Kumar Dubey, Adv.
For Respondents No. 1 & 2	:	Mr. Shobhit Koshta, Advocate.
For Respondent No. 3	:	Ms. Aditi Diwan, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(26.09.2026)

1. Heard on I.A. No. 01/2024, application for condonation of delay.
2. Upon due consideration and for the reasons mentioned in the application, I.A. No. 01/2024 is allowed and delay of 359 days in filing the instant appeal is condoned.
3. Also heard on admission.
4. This is the claimants' appeal for enhancement against the award dated 08.08.2023 passed by the learned 1st Additional Motor Accident Claims Tribunal, Korba, District - Korba (C.G.) in Motor Accident Claim Case No. 16/2019, whereby the learned Claims Tribunal has awarded a total sum of Rs.19,82,120/- as compensation for the death of Shyam Minj (25-years-old) who died in a road accident which took place on 05.11.2018.
5. Learned counsel for the appellant submits that the Tribunal erred in assessing the income of the deceased at Rs. 8,400/- per month by applying the minimum wages for an unskilled labourer on that date. It is submitted that the deceased was working as a painter and sweeper, earning Rs. 19,800/- per month. Therefore, his income ought to have been assessed at Rs. 19,800/- per month. On this ground, it is prayed that the compensation awarded by the Tribunal be suitably enhanced.
6. I have heard learned counsel appearing for the appellant and perused the record of the Tribunal including award impugned.
7. After scrutinising the evidence on record, the Tribunal held that the accident was caused by the rashness and negligence of the driver, Vidya Sahu, respondent No. 1, while driving a tractor bearing Chassis No. XZYDG7906563, owned by Pural Lal

Sahu/respondent No. 2 and insured by respondent No.3. The deceased, Shyam Minj, sustained grievous injuries in the said accident dated 05.11.2018 and succumbed to the injuries. The claimants contended that the deceased was working as painter & sweeper and earning Rs. 19,800/- per month. However, they failed to produce any reliable or documentary evidence in support thereof. Therefore, the Tribunal, considering that the deceased was married, taking the age of the deceased as 25 years as per the Postmortem Report Ex.P-11, assessed the notional income of the deceased at Rs. 8,400/- per month, being the minimum wages for an unskilled labourer as on the date of accident i.e. 05.11.2018.

8. On careful consideration of the material on record, it is apparent that no documentary evidence is available to hold that the deceased was working as a painter and sweeper and earning Rs. 19,800/- per month. As such, this Court finds that the Tribunal has properly appreciated the evidence and the compensation awarded is just and reasonable. There is no infirmity in the impugned award warranting interference.
9. Accordingly, the appeal of the appellant is hereby **dismissed** at the admission stage itself.

Sd/-
Sanjay Kumar Jaiswal
Judge

H.L. Sahu