

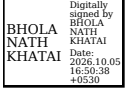


CGHC010007822023



2026:CGHC:42958

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 116 of 2023

- 1** - Smt. Fuleshwari W/o Late Ramkhilawan Aged About 35 Years Caste Gond, R/o Village - Amapara, Deepka, Batari, Tehsil - Katghora, District - Korba Chhattisgarh.
- 2** - Geeta Kumari D/o Late Ramkhilawan Aged About 17 Years Through Mother Smt. Fuleshwari Caste Gond, R/o Village - Amapara, Deepka, Batari, Tehsil - Katghora, District - Korba Chhattisgarh.
- 3** - Manjeet S/o Late Aged About 14 Years Through Mother Smt. Fuleshwari, Caste Gond, R/o Village - Amapara, Deepka, Batari, Tehsil - Katghora, District - Korba Chhattisgarh.
- 4** - Ranjeet Kumar S/o Late Ramkhilawan Aged About 9 Years Through Mother Smt. Fuleshwari, Caste Gond, R/o Village - Amapara, Deepka, Batari, Tehsil - Katghora, District - Korba Chhattisgarh.
- 5** - Harihar Singh S/o Late Dukaalu Ram Aged About 60 Years Caste Gond, R/o Village - Amapara, Deepka, Batari, Tehsil - Katghora, District - Korba Chhattisgarh.

... Appellant(s)

versus

- 1** - Bhimdas S/o Balakdas Aged About 25 Years R/o Village - Gangadeyi Pakhanapara, Post Office Birda, Tehsil Katghora, District Korba Chhattisgarh.

2 - Ramayan Singh Rathore S/o Netram Rathore R/o Ward No. 1, House No. 7, Bastipara, Hardi Bazar Chowki Hardi Bazar, District Korba Chhattisgarh

3 - United India Insurance Company Ltd, Through Branch Manager, Office Goyal Business Park, First Floor 26, I.C.C. Transport Nagar, Korba, District Korba Chhattisgarh.

... Respondent(s)

For Appellants	: Ms. Upasana Mehta, Advocate
For Respondent No.3	: Mr. Raj Awasthi, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(05.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the 2nd Additional Motor Accident Claims Tribunal, Katghora, District Korba (C.G.) vide impugned award dated 24.06.2022 passed in Motor Accident Claim Case No.34/2021, whereby a total sum of ₹13,03,530/- has been awarded to the claimants on account of the death of Ramkhilawan, who succumbed to the injuries sustained in the motor vehicle accident that occurred on 27.12.2020.
2. Learned counsel appearing for the appellants/claimants submits that the Tribunal has erred in assessing the monthly income of the deceased at ₹6,024/-, which is even less than the minimum wages prescribed for an unskilled labourer at the relevant time. It is further submitted that there are five claimants in all; however, the Tribunal has awarded compensation towards loss of consortium to only three of the claimants, whereas each of the claimants is entitled to compensation under the said head. It is, therefore, prayed

that the compensation awarded by the Tribunal be suitably enhanced.

3. Per contra, learned counsel appearing for respondent No.3 – Insurance Company opposes the submissions advanced on behalf of the appellants/claimants and submits that, having regard to the facts and circumstances of the case, the compensation awarded by the Tribunal is just and proper and does not warrant any interference by this Court.
4. Heard learned counsel for the parties and perused the record with due circumspection.
5. Though it was claimed by the claimants that, at the time of the accident, the deceased was earning ₹15,000/- per month by driving and working as a mason, no documentary evidence has been adduced on record to substantiate the said claim. The accident occurred on 27.12.2020 and, at the relevant time, the minimum wages prescribed even for an unskilled labourer were ₹8,960/- per month. Accordingly, his monthly income is reassessed at ₹8,960/-.
6. The deceased was a non-salaried person aged between 36-40 years at the time of the accident. There are five claimants who are the wife, three children and father of the deceased.
7. Having regard to the date of the accident, the age of the deceased and the number of his dependants, this Court finds that the addition towards future prospects, deduction towards personal and living expenses, multiplier applied and the amounts awarded towards funeral expenses and loss of estate do not call for any interference. However, the Tribunal has awarded compensation towards loss of consortium to only three out of the five claimants. In view of the settled legal position, all the five claimants are entitled to compensation

towards loss of consortium at the rate of ₹44,000/- each, amounting to ₹2,20,000/- in total.

8. Thus, in light of the aforesaid discussion and the judgments of the Hon’ble Supreme Court in **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**, the compensation is recomputed as under:-

Sl. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	$6024 \times 12 = 72,288$	$8960 \times 12 = 1,07,520$
2.	Future prospects	(+) 40% (i.e. ₹28915) = 1,01,203	(+) 40% (i.e. 43,008) = 1,50,528
3.	Deduction towards personal expenses	(-) 1/4 (i.e. 25,301) = 75902	(-) 1/4 (i.e. 37,632) = 1,12,896
4.	Multiplier	($\times$) 15 = 11,38,530	($\times$) 15 = 16,93,440
5.	Funeral Expenses	16,500	16,500
6.	Loss of Estate	16,500	16,500
7.	Loss of Consortium	₹1,32,000 (44,000 x 3)	2,20,000 (44,000 x 5)
	Total	₹13,03,530/-	₹19,46,440/-

9. In view of the foregoing analysis, the compensation of ₹13,03,530/- awarded by the Tribunal is enhanced to ₹19,46,440/-. Thus, after deducting the amount already awarded by the Tribunal, the appellants/claimants are entitled to an additional sum of **₹6,42,910/-** (19,46,440 - 13,03,530). The aforesaid enhanced/additional amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its actual

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

realization. The remaining terms and conditions of the impugned award shall remain unaltered.

10. Consequently, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.
11. The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount of compensation awarded by this Court over and above the amount awarded by the concerned Tribunal. Such communication shall be made in Hindi (Devanagari) language. The assistance of Para-Legal Volunteers may also be availed, in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai