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CGHC010320422023

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1651 of 2023

1 - Smt. Jaya Chelak W/o Late Nutan Chelak, Aged About 33 Years
R/o Dongara, Thana And Tahsil- Kasdol District Baloda Bazar
Bhathapara (Chhattisgarh)

2 - Aakash Chelak S/o Late Nutan Chelak, Aged About 17 Years
Minor Through Natural Guardian Mother Smt. Jaya Chelak (Appellant
No. 1). R/o Dongara, Thana And Tahsil- Kasdol District Baloda Bazar
Bhathapara (Chhattisgarh)

3 - Nisha Chelak D/o Late Nutan Chelak Aged About 11 Years Minor
Through Natural Guardian Mother Smt. Jaya Chelak (Appellant No.
1). R/o Dongara, Thana And Tahsil- Kasdol District Baloda Bazar
Bhathapara (Chhattisgarh)

... Appellants

versus

1 - Manbodhram S/o Anantram, Aged About 36 Years R/o Village-
Navagaon, Thana- Kasdol, District Raipur (Chhattisgarh). Hall
Mukam- Taldadar, Navagaon, Thana- Kasdol District Baloda Bazar
Bhathapara (Chhattisgarh).....(Driver Offending Vehicle Truck No.
C.G.11/a.Q./9200).

2 - Guru Kripa Transport, Shivrinarayan Thana- Shivrinarayan,
District Janjgir Champa (Chhattisgarh).....(Owner Offending
Vehicle Truck No. C.G.11/a.Q./9200).

3 - Divisional Manager, Legal Cell, United India Insurance Company
Limited. Branch Office, L.I.C. Building, First Floor Magarpara Road,
Bilaspur Thana- Civil Line, Tahsil And District- Bilaspur

(Chhattisgarh).....(Insurer Of The Offending Vehicle Truck No. C.G.11/a.Q./9200).

--- **Respondent(s)**

For Appellants	:	Mr. A.L. Singroul, Advocate
For Respondents No.1 & 2	:	None
For Respondent No.3	:	Mr. R.N. Pusty and Mr. Akash Shrivastava, Advocates

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(13.10.2026)

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 21.03.2023, passed in Claim Case No.906/2021 by learned 4th Additional Motor Accident Claims Tribunal, Bilaspur (CG), whereby the learned Claims Tribunal has awarded a total sum of Rs.16,09,352/- as compensation for the death of Nutan Chelak who was aged about 35 years and died in a road accident which took place on 13.03.2021.
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, it is true that the learned Tribunal has taken the monthly income of the deceased to be Rs.8060/-, which ought to be Rs.8960/- 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. 8060 x 12 = 96,720/-	Rs. 8960 x 12 = 1,07,520/-
2.	Future prospect	(+)40% (i.e. Rs. 38,688) = 1,35,408/-	(+)40% (i.e. Rs. 43,008) = 1,50,528/-
3.	Deduction	(-) 1/3 (i.e.	(-) 1/3 (i.e. 50176)

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

		45136) = 90,272/-	= 1,00,352/-
4.	Multiplier	(x) 16 = 14,44,352/-	(x) 16 = 16,05,632/-
5	Other conventional heads	Rs. 1,65,000/- (16500+16500+13 2000)	Rs. 1,65,000/- (16500+16500+132 000)
	Total	Rs. 16,09,352/-	Rs. 17,70,632/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.16,09,352/- awarded by the Claims Tribunal is enhanced to Rs.17,70,632/-. Hence, after deducting the amount of Rs.16,09,352/-, the appellants are held entitled for an additional amount of Rs.1,61,280/-. 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 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