



CGHC010408882018



2026:CGHC:27901

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 101 of 2019

1 - Radheshyam Sahu Aged 43 Years, R/o Village Bagbuda, Thana Punjipathra, Tahsil Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

2 - Smt. Triveni Sahu Aged 39 Years, R/o Village Bagbuda, Thana Punjipachra, Tahsil Raigarh, District- Raigarh, Chhattisgrh., District : Raigarh, Chhattisgarh

--- Appellant(s)

versus

1 - Mohd. Adam Ansari S/o Anil Mohammd Ansari Aged About 35 Years Occupation Driver, R/o Dindayal Colony, Ward No. 5, Thana City Kotwali, Raigarh,district- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

2 - Sushil Mehar R/o Palace Road, Raigarh, Tahsil Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

3 - Shakha Prabandhak New India Insurance Company Ltd. Tahsil Raigarh, Distrtict- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

--- Respondent(s)

For Appellant : Mr. Akash Shrivastava, Advocate

For Respondent/State : Mr. Dashrath Gupta, Advocate.

Hon'ble Shri Sanjay K. Agrawal, Judge
Order on Board

07.07.2026

1. Since no one is appearing on behalf of the appellants, this Court deems it appropriate to appoint Mr. Akash Shrivastava, learned counsel, as amicus curiae to assist the Court in the present case.

2. This appeal has been filed by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") seeking enhancement in the compensation amount, against the impugned award dated 25.09.2018 passed by the Learned First Additional Motor Accident Claims Tribunal, Raigarh, District Raigarh, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 107/2017, whereby the Claims Tribunal allowed the claimants' application and awarded Rs. 6,16,000/- along with interest for death of Pramod Kumar Sahu.
3. Learned counsel for the appellants, would submit that the Claims Tribunal has erred in awarding the less compensation. He would also submit that the Claims Tribunal erred in assessing income of the deceased Rs. 4,500/- per month which should be Rs. 9230/- per month as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. He would further submit that under the head of consortium amount has not been awarded by the Claims Tribunal which is liable to be awarded.
4. Learned counsel for the Insurance Company/respondent No.3, would oppose the prayer made by learned counsel for the appellant and submit that compensation awarded by the Claims Tribunal is no higher side which is liable to be reduced.
5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records minutely.
6. Learned Claims Tribunal assessed the monthly income of deceased to be 4,500/- however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be 9230/- (as per minimum wages prescribed at relevant time). Accordingly, the monthly income of the deceased is liable to be reassessed at Rs. 9230/-. Further, the Claims Tribunal has not awarded any amount under the conventional head of consortium to the appellants/claimants No. 1 & 2. In view of the law laid down by the Hon'ble Supreme Court,

the claimants/appellants No. 1 & 2 are also entitled to compensation under the said head.

7. 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 & Ors.³**, this Court is computing the compensation as below:-

Sr. No	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	4,500/-	9230/-
2.	Future Prospect	Nil	(+)40% 3692/-; Total 12922/-
3.	Deduction	(-)1/2 Rs. 2250/-	(-)1/2 i.e. 6,461/- = 6461/-
4.	Multiplier	(x) 18	(x) 18
6.	Annual Income	2250 x 12= 27,000 x 18= 4,86,000/-	6461x12 = 77,532 x 18 = 13,95,576/-
7.	Loss of Estate	15,000/-	15,000/-
8.	Funeral Expenses	15,000/-	15,000/-
9.	Loss of Consortium (claimant No. 1 & 2.)	NIL	40,000x2 =80,000/-
10.	Future earning prospects	1,00,000/-	NIL
	Total	6,16,000/-	15,05,576/-

8. In view of the aforesaid analysis, the amount of compensation of Rs. **6,16,000/-** awarded by the Claims Tribunal is enhanced to Rs. **15,05,576/-**. Hence, after deducting the amount of Rs. **6,16,000/-**, the appellants/claimants are held to be entitled to an additional amount of Rs. **8,89,576/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of copy of this order. The addi-

1(2017) 16 SCC 680

2 (2009) 6 SCC 121

3(2018) 18 SCC 130

tional amount of compensation shall carry interest @9% per annum from the date of filing of claim application before the Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is allowed in part and the impugned award is modified to the extent as indicated herein-above.

10. This Court appreciates the assistance rendered by Mr. Akash Shrivastava, learned counsel as amicus curiae in the present case

Sd/-
(Sanjay K. Agrawal)
Judge