



CGHC010100772019



2026:CGHC:27903

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 621 of 2019**

1. Manohar S/o Late Nanku, Aged About 61 Years;
  2. Manmati W/o Manohar, Aged About 60 Years;
- Both are R/o Village Bhaishwar, Police Station Sonhat, District Korea Chhattisgarh. (Claimants).

**... Appellants****versus**

1. Kamal Kumar Singh S/o Late Lagan Singh, Aged About 47 Years, R/o Sonhat, Police Station Sonhat, District Korea Chhattisgarh. (Driver Cum Owner Of Motorcycle Bearing Registration No. C.G. -16-4679)
2. Branch Manager, United India Insurance Company Limited, Branch Office, Bramha Road, Nearby Hotel Kumkum, Ambikapur, District Surguja Chhattisgarh Pin 497001. (Insurer Of Motorcycle Bearing Registration No. C.G. -16-4679).

**... Respondents**

For Appellants	:-	Mr. Samir Singh, Advocate.
For Respondent No.1.	:-	Mr. Gourang Dubey, appears on behalf of Mr. Chandresh Shrivastava, Advocate.
For Respondent No.2.	:-	Mr. Sudhir Agrawal, Advocate.

**SB- Hon'ble Shri Justice Sanjay K. Agrawal****Judgment On Board****07.07.2026**

1. 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 awarded by the impugned award dated 06.02.2019 passed by the Additional Motor Accident Claims Tribunal, Baikunthpur, District Korea, Chhattisgarh (for short “Claims Tribunal”) in Claim Case No. 25/2017, whereby the Claims Tribunal allowed the claimants’ application and awarded ₹2,51,000/- along with interest for death of Sukhu, whereas, Insurance Company has filed the cross objection against the said impugned award.

2. Mr. Samir Singh, learned counsel for the appellants/claimants, would submit that the Claims Tribunal has wrongly deducted 50% from the compensation amount as the deceased was the pillion rider. He would also submit that the Claims Tribunal has erred in assessing the monthly income of the deceased to be ₹3,000/- which should be ₹6,206/- per month as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. He would further submit that future prospect has not been awarded by the Claims Tribunal which is liable to be awarded and under the heads of consortium less amount has been awarded by the Claims Tribunal which is liable to be enhanced.

3. Mr. Gourang Dubey, learned counsel for respondent No.1, would submit that respondent No.1 is not liable to pay the amount to the claimants.
4. Mr. Sudhir Agrawal, learned counsel for respondent No.2/Insurance Company, would oppose the prayer made by learned counsel for the respondent and submit that the Claims Tribunal has rightly deducted 50% amount from the compensation on the basis of contributory negligence. He would also submit that 1/3 deduction has wrongly been assessed by the Claims Tribunal as the same should be 1/2 as the deceased was bachelor and only mother and father are the dependent of the deceased.
5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records minutely.
6. As per the finding recorded by the Claims Tribunal the deceased was the pillion rider, in that view of the matter, 50% compensation towards the contributory negligence has wrongly been deducted by the Claims Tribunal which is bad in law. Accordingly, deduction of 50% compensation is set aside. Furthermore, Learned Claims Tribunal assessed the monthly income of deceased to be ₹3,000/- 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 ₹6,206/- (as per minimum wages prescribed at relevant time for skilled labour). Furthermore,, future prospect has not been awarded by the Claims Tribunal which is liable to be awarded and under the heads of consortium less amount has been awarded by the Claims Tribunal which is liable to be enhanced. Moreover, deduction should be 1/2 in place of 1/3 as the deceased was bachelor and only mother and father are the claimants.

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 Sethi<sup>1</sup>, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors<sup>2</sup>** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors<sup>3</sup>**, this Court is computing the compensation as below:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	₹3,000 x 12 = ₹36,000/-	₹6,206 x 12 = ₹74,472/-
2.	Future	NIL	(+)40% = ₹29,788/-;

<sup>1</sup> (2017) 16 SCC 680

<sup>2</sup> (2009) 6 SCC 121

<sup>3</sup> (2018) 18 SCC 130

	Prospect		Total = ₹74,472+29,788= ₹1,04,260/-
3.	Deduction	(-) 1/3 = ₹12,000/-; ₹36,000-12,000= ₹24,000/-	(-) 1/2 = ₹52,130/-; ₹1,04,260-52,130= ₹52,130/-
4.	Multiplier	(x) 18 = ₹4,32,000/-	(x) 18 = ₹9,38,340/-
5.	Loss of Estate	₹15,000/-	₹15,000/-
6.	Funeral Expenses	₹15,000/-	₹15,000/-
7.	Consortium	₹40,000/-	₹40,000 x 2 = ₹80,000/-
8.	Deduction	₹5,02,000/- 50% (-) = ₹2,51,000/-	
	<b>Total</b>	<b>₹2,51,000/-</b>	<b>₹10,48,340/-</b>

8. In view of the aforesaid analysis, the amount of compensation of **₹2,51,000/-** awarded by the Claims Tribunal is enhanced to **₹10,48,340/-**. Hence, after deducting the amount of **₹2,51,000/-**, the appellants/claimants are held to be entitled to an additional amount of **₹7,97,340/-**. 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 additional 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. In view of the above, appeal as well as cross objection stand disposed off and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**

Ankit