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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 249 of 2024**

1 - Revati Bai W/o Late Mahendra Karsh, Aged About 38 Years, R/o Village Birra, Police Station- Birra, Tahsil- Champa, Civil And Revenue, District : Janjgir-Champa, Chhattisgarh.

2 - Shubham Karsh S/o Late Mahendra Karsh, Aged About 20 Years, R/o Village Birra, Police Station- Birra, Tahsil- Champa, Civil And Revenue, District : Janjgir-Champa, Chhattisgarh.

3 - Dinesh Karsh S/o Late Mahendra Karsh, Aged About 18 Years, R/o Village Birra, Police Station- Birra, Tahsil- Champa, Civil And Revenue, District : Janjgir-Champa, Chhattisgarh.

...Appellants**versus**

1 - Bhuneshwar Patel S/o Shri Paras Ram Patel, Aged About 33 Years, R/o Village- Pathsendari, Police Station- Saraipali, Civil And Revenue, District Mahasamund, Chhattisgarh (Driver Of The Offending Vehicle Harvester No. C.G. - 04 L-2750 And Tractor No. C.G. 06 G X- 5287).

2 - Krishna Kumar Patel S/o Shri Jagsay Patel R/o Village- Jharband, Post Bhawarpur, Police Station And Tahsil - Basana, Civil And Revenue, District Mahasamund, Chhattisgarh (Owner Of The Offending Vehicle Harvester No. C.G. - 04 L-2750 And Tractor No. C.G. 06 G X- 5287).

3 - The New India Insurance Company Limited Through The Branch Manager, Branch Office Sada Complex, Transport Nagar, Korba, Civil And Revenue District Korba, Chhattisgarh (Insurer Of The Offending Vehicle Harvester No. C.G. - 04 L-2750 And Tractor No. C.G. 06 G X- 5287).

... Respondent(s)

For Appellants	:	Mr. Vishvanath Prasad, Advocate.
For Respondents No.1 & 2	:	Mr. N.K. Chatterjee, Advocate.
For Respondents No.3	:	Mr. Mohd Azad Siddiqui, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(06.10.2026)

1. Heard on I.A. No. 01/2024, application for condonation of delay in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 104 days in filing the appeal is hereby condoned.
3. Also heard on admission.
4. Admit.
5. With the consent of learned counsel for the parties, the case is heard finally.
6. 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 17.07.2023, passed in Claim Case No. 04/2023, whereby the learned Claims Tribunal has awarded a total sum of Rs.10,85,000/- as compensation for the death of Mahendra Karsh, who died in a road accident which took place on 16.11.2022.
7. Learned counsel for the appellants submits that the learned Claims Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is contended that the learned Claims Tribunal has wrongly assessed the income of the deceased at Rs. 6,000/- per month, whereas the same ought to have been assessed at Rs. 9,960/- per month in accordance with the Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. He further submits that the compensation awarded under the other conventional heads is also on the lower side. It is, therefore, prayed that the instant appeal be allowed and the

compensation awarded by the learned Claims Tribunal be suitably enhanced.

8. Learned counsel for respondents No.1 and 2 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.
9. Learned counsel appearing for Respondent No. 3/Insurance Company submits that the learned Claims Tribunal has erroneously added 40% towards future prospects to the income of the deceased, whereas the same ought to have been taken at 25%, as the deceased was 40 years of age at the time of the accident.
10. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
11. The learned Claims Tribunal has assessed the monthly income of the deceased at Rs. 6,000/-. However, in the opinion of this Court, having regard to the Minimum Wages Notification issued by the Office of the Labour Commissioner, Government of Chhattisgarh, applicable at the relevant time, the monthly income of the deceased ought to be assessed at Rs. 9,960/-. Further, considering the total number of claimants, i.e., three, the learned Claims Tribunal has deducted one-third towards the personal and living expenses of the deceased and applied a multiplier of 15. In the opinion of this Court, the aforesaid computation is just and proper and does not warrant any interference. However, the learned Claims Tribunal has added 40% towards future prospects to the income of the deceased. Considering the age of the deceased, which was 40 years at the time of the accident, the addition towards future prospects ought to be 25% instead of 40%.
12. However, under the conventional heads, the learned Claims Tribunal has awarded a sum of Rs. 77,000/-. In view of the principles laid down by the Hon'ble Supreme Court in **National**

Insurance Company Ltd. v. Pranay Sethi, and the permissible enhancement of 10% in the amounts awarded under the conventional heads, the claimants are entitled to a total sum of Rs. 1,65,000/- under the said heads. To this extent, the impugned award warrants modification.

13. 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. 6,000 x 12 = 72,000/-	Rs. 9,960 x 12 = 1,19,520/-
2.	Future prospect	(+)40% (i.e. Rs. 28,800) = 1,00,800/-	(+)25% (i.e. Rs. 29,880) = 1,49,400/-
3.	Deduction	(-) 1/3 (i.e. 33,600) = 67,200/-	(-) 1/3 (i.e. 49,800) = 99,600/-
4.	Multiplier	(x) 15 = 10,08,000/-	(x) 15 = 14,94,000/-
5	Other conventional heads	Rs. 77,000/-	Rs. 1,65,000/- (16,500+16,500+1,32,000)
	Total	Rs. 10,85,000/-	Rs. 16,59,000/-

14. In view of the aforesaid analysis, the amount of compensation of Rs.10,85,000/- awarded by the Claims Tribunal is enhanced to Rs.16,59,000/-. Hence, after deducting the amount of Rs.10,85,000/-, the appellants are held entitled for an additional amount of Rs.**5,74,000/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing

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

of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

- 15.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 16.** 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 Devanagari 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

Sourabh