



CGHC010341882026



2026:CGHC:39645

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2013 of 2026**

1 - Naveen Yadav S/o Late Sita Ram Yadav, Aged About 26 Years, R/o Indira Colony, Mandir Hasaud, Police Station - Mandir Hasaud, District Raipur Chhattisgarh.

2 - Manju Yadav D/o Late Sita Ram Yadav, Aged About 24 Years, R/o Indira Colony, Mandir Hasaud, Police Station - Mandir Hasaud, District Raipur Chhattisgarh.

3 - Komal Yadav S/o Late Sita Ram Yadav, Aged About 21 Years, R/o Indira Colony, Mandir Hasaud, Police Station - Mandir Hasaud, District Raipur Chhattisgarh.

... Appellants**versus**

1 - Sanjay Kushwaha S/o Nokhelal, Aged About 30 Years, Through Daman Transport, Address - Kabir Nagar Heerapur Raipur, Tahsil And District Raipur Chhattisgarh (Driver Of Trailer No. C.G. 04 J.C. 4162).

2 - Sandeep Kaur W/o Ranjeet Singh R/o M I G 20, Kabir Nagar, Tatibandh Raipur District Raipur Chhattisgarh (Owner Of Trailer No. C.G. 04 J.C. 4162).

3 - The New India Insurance Company Ltd. Through Divisional Manager (Division No. 2), The New India Insurance Company Ltd. Jeevan Beema Marg, Pandari Raipur, Tahsil And District Raipur Chhattisgarh (Insurance Company Of Trailer No. C.G. 04 J.C. 4162).

... Respondent(s)

For Appellants	:	Mr. Satyendra Srivas, Advocate.
For Respondents	:	Not noticed.

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.
Order on Board
(10.09.2026)

1. Heard on admission.
2. This is the claimants' appeal for enhancement against the award dated 23.06.2026 passed by the 04th Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Motor Accident claim case No. 238/2024, whereby a compensation amount of Rs. 14,81,500/- has been awarded in favour of the claimants.
3. Learned counsel for the appellant submits that the Tribunal erred in assessing the income of the deceased at Rs. 10,000/- per month on the basis of the minimum wages. It is contended that the deceased, Sitaram, was working as a Crane Operator with Aryan Associate and was earning Rs. 24,000/- per month. In support of the deceased's income, Mr. Anil Kumar Paswan (PW-3) was examined before the Tribunal. It is, therefore, submitted that the income of the deceased ought to have been assessed by treating him as a skilled worker. On this ground, learned counsel for the appellant prays that the compensation awarded by the Tribunal be suitably enhanced.
4. I have heard learned counsel appearing for the appellant and perused the record of the Tribunal including award impugned.
5. Upon scrutinising the evidence on record, the Tribunal held that Anil Kumar Paswan (AW-3), examined on behalf of the applicants, stated that the deceased, Sitaram Yadav, was working as a Crane Operator with Aryan Associates and was earning Rs. 24,000/- per month. However, in his cross-examination, AW-3 admitted that he had no documentary evidence to establish the employment of the deceased with Aryan Associates or the payment of salary/wages to the deceased. Apart from the salary slip (Ex.P-18), which reflected payment of

Rs. 11,200/- for 14 days' work in April 2023, no other documentary evidence, such as a passbook or bank statement, was produced to substantiate the alleged monthly income of Rs. 24,000/-. Accordingly, the Tribunal held that the monthly income of the deceased at Rs. 24,000/- was not proved. Nevertheless, considering that the deceased was engaged in some work and was earning an income at the time of the accident, the Tribunal assessed his notional monthly income at Rs. 10,000/-. Accordingly, the Tribunal awarded compensation to the claimants under the following heads:

Sl. No.	Heads	Compensation
01	Annual income of the deceased (10,000x12)	=Rs.1,20,000/-
02	After adding 25% i.e. Rs. 30,000/- towards future prospect annual income of the deceased Rs. (1,20,000+30,000)	=Rs. 1,50,000/-
03	Deduction of 1/3rd i.e. Rs. 50,000/- for personal and living expenses (Rs. 1,50,000-50,000)	=Rs. 1,00,000/-
04	Total loss of dependency after applying multiplier of 13 (100,000x13)	=Rs. 13,00,000/-
05	Towards funeral expenses	Rs.18,150/-
06	Towards loss of estate	Rs. 18,150/-
07	Towards loss of love and affection (48,400x3)	Rs. 1,45,200/-
	Total	Rs. 14,81,500/-

6. Upon careful consideration of the material available on record, it is evident that there is no cogent and reliable documentary evidence to establish the income of the deceased at Rs. 24,000/- per month. In the absence of such evidence, this Court finds that the Tribunal has rightly appreciated the evidence on record and has assessed the income of the deceased on the basis of the

applicable minimum wages. The compensation awarded by the Tribunal is just, fair and reasonable and does not call for any interference by this Court. Accordingly, no ground is made out warranting interference with the impugned award.

7. The appeal, being devoid of merit, is accordingly **dismissed** at the admission stage.

Sd/-
Sanjay Kumar Jaiswal
Judge

\$ourabh