CGHC010279142024 2026:CGHC:46178

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1719 of 2024

1 - Anil Kumar S/o Late Katlam Singh, Aged About 28 Years Caste Gond, R/o Village Patharra, Tehsil - Marwahi, District Gaurela - Pendra - Marwahi, Chhattisgarh.

2 - Anjulata D/o Late Katlam Singh, Aged About 28 Years Caste Gond, R/o Village Patharra, Tehsil - Marwahi, District Gaurela - Pendra - Marwahi, Chhattisgarh.

3 - Ajit Kumar S/o Late Katlam Singh, Aged About 24 Years Caste Gond, R/o Village Patharra, Tehsil - Marwahi, District Gaurela - Pendra - Marwahi, Chhattisgarh.

... Appellants

versus

1 - Hariram Panika S/o Sukul Prasad Panika, Aged About 46 Years R/o Village Barbaspur Amadand, Ward No. 11, P.S. Manendragarh, District Koriya-Baikunthpur, Chhattisgarh,

2 - Vishwanath Prasad Yadav S/o Ravindra Kumar Yadav, R/o Ward No. 21, Ambikapur Road, Manendragarh, District Koriya, Baikunthpur, Chhattisgarh.

3 - The Oriental Insurance Company Limited, Shriram Complex, Near Kedia Talkies, Ring Road No. 43, Manendragarh Tehsil And P.S. Manendragarh, District Koriya-Baikunthpur, Chhattisgarh.

... Respondents

For Appellants/Claimants	:	Mr. Achyut Tiwari, Adv.
For Respondent No. 3	:	Mr. Akash Shrivastava, Adv.
For respondents No. 1 & 2	:	None.

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Date: 2026.11.02 17:15:10 +0530

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(02.11.2026)

1. Heard on I.A. No. 01/2024, application for condonation of delay.

2. This is a claimants' appeal for enhancement. Upon due consideration, I.A. No. 01/2024 is allowed. Delay of 117 days in filing the appeal is condoned.

3. Also heard on admission.

4. Admit.

5. Records of the Tribunal have been received.

6. With the consent of both the parties, the matter was heard finally.

7. 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 09.01.2024, passed in Claim Case No. 20/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.7,50,000/- as compensation for the death of Ramkali (50-years-old) who died in a road accident which took place on 20.05.2022.

8. Learned counsel for the appellant submits that the deceased, was a labourer and was earning Rs. 15,000/- per month; therefore, the income assessed by the Claims Tribunal at Rs. 4,500/- per month is on the lower side, as on the date of the accident, the minimum wages of the unskilled labourer were Rs. 9,960/-. Hence, the appeal be allowed, and the award passed by the Claims Tribunal be suitably enhanced.

9. 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.

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. In the case at hand, the learned Tribunal has indeed taken the deceased's monthly income to be Rs. 4,500/-. The claimants pleaded that the deceased was labourer, aged about 50 years and was earning Rs. 15,000/- per month, but they could not produce any documentary proof to substantiate their claim; therefore, it would be proper to take the deceased's monthly income of Rs.9,960/- as per the Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh for unskilled labour. Therefore, to that extent the impugned award needs to be modified.

12. 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[1], Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors[2] 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	Rs. 4,500x12 = 54,000/-	Rs. 9960x12 = 1,19,520/-
2.	Future prospect	(+)25% (i.e. 13,500) = 67,500	(+)25% (i.e. 29,880) = 1,49,400
3.	Deduction	(-) 1/3 (i.e. 22,500) = 45,000/-	(-) 1/3 (i.e. 49,800) = 99,600/-
4.	Multiplier	(x) 13 = 5,85,000/-	(x) 13 = 12,94,800/-
5.	Other conventio	Rs. 1,65,000/- [16500+16500+(44000x3	Rs. 1,65,000/- [16500+16500+(44000x3)]

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

	nal heads	)]	
	Total	**Rs. 7,50,000/-**	**Rs. 14,59,800/-**

13. In view of the aforesaid analysis, the amount of compensation of Rs.7,50,000/- awarded by the Claims Tribunal is enhanced to Rs.14,59,800/-. Hence, after deducting the amount of Rs.7,50,000/-, the appellants are held entitled for an additional amount of **Rs.7,09,800/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the appeal before this Court i.e. 12.08.2024 till its realization. Rest of the conditions of the impugned award shall remain intact.

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

15. 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

H.L. Sahu