



CGHC010416952023



2026:CGHC:42699

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 139 of 2024**

1 - United India Insurance Co. Ltd. Through Divisional Manager, Divisional Office, Lic Building 1st Floor Magarpara Road, Bilaspur Chhattisgarh. Insurer Of Truck No. CG 15 AC 3443.

--- Appellant**versus**

1 - Sawan Barla W/o Late Anup Kumar Barla Aged About 29 Years R/o Village Bhanesar Mission House No. 145, Behind Mission School, Post Jairamnagar, Police Station Masturi, District Bilaspur, Chhattisgarh.

2 - Aarav Kumar Berla S/o Late Anup Kumar Barla Aged About 6 Years Minor, Represented Through Mother And Natural Guardian Smt. Sawan Barla, W/o Late Anup Kumar Bar, Aged 29 Years, R/o Village Bhanesar Mission House No. 145, Behind Mission School, Post Jairamnagar, Police Station Masturi, District Bilaspur Chhattisgarh.

3 - Mahesh Yadav S/o Bahoran Yadav Aged About 43 Years R/o Village Salkha, P.O. Beltara, Police Station Ratanpur, District Bilaspur Chhattisgarh (Driver Of Truck No. CG 15 AC 3443)

4 - Mohammad Iqbal Haq S/o Shamsul Haq Aged About 65 Years R/o Ward No. 40, Near Torwa Primary School, P.S. Torwa, District Bilaspur Chhattisgarh. (Registered Owner Of Truck No. CG 15 AC 3443)

--- Respondents

For Appellant : Mr. R.N. Pusty, Advocate with
Mr. Akash Shrivastava, Advocate.

For Respondents No. 1 & 2 : Mr. Anand Kesharwani, Advocate.
 For Respondents No. 3 & 4 : None.

MAC No. 373 of 2024

1 - Sawan Barla Wd/o Late Anup Kumar Barla, Aged About 29 Years R/o Bhanesar Mission, House No. Bhanesar Mission, House No. 145 Behind Of Mission School, Post Jairmnagar, Police Station Masturi, District Bilaspur Chhattisgarh.

2 - Araw Kumar Barla S/o Late Anup Kumar Barla, Aged About 2 Years Minor Through The Mother (Natural Guardian) Appellant No. 01 Sawan Barla, R/o Bhanesar Mission, House No. Bhanesar Mission, House No. 145 Behind Of Mission School, Post Jairmnagar, Police Station Masturi, District Bilaspur Chhattisgarh.

---Appellants

Versus

1 - Mahesh Yadav S/o Bahoran Yadav Aged About 43 Years R/o Village Salkha, Post Office Beltara, Police Station Ratanpur District Bilaspur Chhattisgarh (Driver Of The Vehicle Truck No. C.G. 15/AC-3443)

2 - Mohammad Iqbal Haq S/o Shamshul Haq Aged About 65 Years R/o Ward No. 40, Near Of Primary School, Torwa, Police Station Torwa, District Bilaspur Chhattisgarh (Owner Of The Vehicle No. Truck No. C.G. 15/AC-3443)

3 - United India Insurance Company Limited, Through Divisional Division Office Lic Building, 1st Floor, Magarpara Road, Bilaspur Chhattisgarh. (Insurer Of The Vehicle No. Truck No. C.G. 15/AC-3443)

--- Respondents

For Appellants/Claimants : Mr. Anand Kesharwani, Advocate.
 For Respondents No. 1 & 2 : None.
 For Respondent No. 3 : Mr. R.N. Pusty, Advocate along with Mr. Akash Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(01.10.2026)

1. Since both the appeals arise out of the same judgment/order of award, they are being heard and disposed of by this common order.
2. **MAC No. 139/2024** under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the **Insurance Company**/appellant and **MAC No. 373/2024** under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the **Claimants**/appellants, challenging the impugned award dated 26.09.2023, passed in Claim Case No.1098/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.84,62,520/- as compensation for the death of Late Anup Kumar Barla (45 years, 18 days old), who died in a road accident which took place on 19.07.2022.
3. In **MAC No. 139/2024**, learned counsel for the appellant/insurance company submits that since the deceased was a salaried person, there will be a statutory deduction towards income tax from the annual income of the deceased. However, the learned Claims Tribunal has not deducted income tax from the deceased's annual income. As such, by allowing the present appeal, the impugned award may be modified accordingly.
4. In **MAC No. 373/2024**, learned counsel for the Appellants submitted that the learned Tribunal erred in law by applying a multiplier of 13. The Tribunal itself found that the date of Birth of the Deceased is 01.07.1977 (as per pen card) and the date of death

of the deceased was 19.07.2022. Accordingly, at the time of the fatal accident, the deceased was aged 45 years and 18 days. As per the binding guidelines established by the Hon'ble Supreme Court in the landmark judgment of **Sarla Verma & Others v. Delhi Transport Corporation & Another ((2009) 6 SCC 121)**, for victims falling within the age bracket of 41 to 45 years, the applicable multiplier is 14, not 13. Because the deceased had not yet completed his 46th year, he squarely falls within the 41 to 45 age category. It is therefore contended that the Tribunal committed a patent error in applying a multiplier of 13. The appeal deserves to be allowed on this count, and the compensation ought to be suitably enhanced by adopting the correct multiplier of 14 in accordance with the law.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. So far as the age of the deceased is concerned, as per pen card produced by insurance company, his date of birth is 01.07.1977, whereas the date of death was 19.07.2022. Thus, on the date of the accident, the deceased was aged about 45 years and 18 days and had not completed 46 years of age.
7. In **Shashikala & Others vs. Gangalakshamma & Another, (2015) 9 SCC 150**, the Hon'ble Supreme Court, while considering the age of the deceased for the purpose of determining the appropriate multiplier, has held that the completed years of age are to be taken into consideration. The relevant observation made by the Hon'ble Supreme Court in paragraph 16 reads as under:

“16. Insofar as appropriate multiplier, the date of birth of the deceased as per driving licence was 16-6-1961. On the date of accident i.e. 14-12-2006, the deceased was aged 45 years 5 months and 28 days and the Tribunal has taken the age as 46 years. Since the deceased has completed only 45 years, the High Court has rightly taken the age of the deceased as 45 years and adopted multiplier of 14 which is the appropriate multiplier and the same is maintained. Total loss of dependency is calculated at Rs. 16,82,310 (Rs. 1,20,165x14).”

8. In the case at hand, the learned Tribunal placed reliance on Exhibit P-11 and assessed the deceased's monthly income at ₹61,779/-, which remains undisputed. Furthermore, accounting for the age of the deceased, an addition of 30% toward future prospects was appropriately made, a point likewise undisputed. Given that the deceased left behind 2 (two) dependent family members, a deduction of 1/3rd toward personal and living expenses was correctly applied. However, the Tribunal fell into patent error in three critical aspects:

(1) Application of Incorrect Multiplier: The Tribunal applied a multiplier of 13. However, since the deceased was aged 45 years and 18 days at the time of the fatal accident, meaning he had not completed his 46th year, the correct and applicable multiplier under the framework of **Sarla Verma** (supra) is 14, not 13.

(2) Since the deceased was a salaried person, there will be a statutory income tax deduction as per the tax slab for the relevant period.

(3) Inadequate Sum Under Conventional Heads: The Tribunal awarded a meager amount of ₹1,10,000/- under conventional heads. In accordance with settled jurisprudence (including **National Insurance Company Ltd. v. Pranay Sethi ((2017) 16 SCC 680)** and subsequent judicial enhancements for inflation and spousal/parental/filial consortium), this figure

deserves enhancement to ₹1,21,000/- to comprehensively cover Loss of Estate, Funeral Expenses, and Loss of Consortium for each dependent. Consequently, the impugned award warrants suitable modification to rectify the multiplier, tax deduction and enhance the conventional heads in the interest of justice.

9. Thus, taking monthly income of the deceased as Rs. 61,779/- (as per Ex.P-11), i.e. Rs. 7,41,348/- per annum. The deceased was salaried person so considering the age of the deceased i.e. 45 years as per **National Insurance Company Ltd., Vs. Pranay Sethi and Others, (2017) 16 SCC 680**, the future prospects would be 30%. After adding 30% future prospects i.e. Rs. 2,22,404/- the annual income of the deceased comes to Rs. 9,63,752/- (7,41,348+2,22,404).
10. From the annual income of the deceased, there will be statutory deduction towards income tax. The income tax slab for the financial year 2022-2023 was as follows:

Income Tax Slabs in the FY 2022-2023	Income Tax Rates	Taxable Income	Total Tax
Upto 2.5 lakh	nill	Rs. 2,50,000/-	nill
2,50,001 to 5 lakh	5%	Rs. 2,50,000/-	Rs. 12,500/-
5,00,001 to 10 lakh	20%	Rs. 4,63,752/-	Rs. 92,750/-
	Total	Rs. 9,63,752/-	Rs. 1,05,250/-
Education Cess	4% of total tax	Rs. 1,05,250/-	Rs. 4,210/-
Total Tax			Rs. 1,09,460/-

11. In view of the above, after deduction of income tax, the annual income comes to Rs.8,54,292/- (9,63,752-1,09,460).
12. Accordingly, in light of the aforesaid discussion and in light of the judgments of the Supreme Court rendered in the matters of **Pranay Sethi** (supra), **Sarla Verma** (supra) and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**¹, this Court is computing the compensation as below:-

1 (2018) 18 SCC 130

Sr. No.	Heads	Compensation awarded by this Court
1	Income	Rs. 61,779 x 12 = 7,41,348/-
2.	Future prospect	(+)30% (i.e. Rs. 2,22,404) = 9,63,752/-
	Tax deduction	Rs. 9,63,752-1,09,460 = 8,54,292/-
3.	Deduction towards personal expenses	(-) 1/3 (i.e. 2,84,764) = 5,69,528/-
4.	Multiplier	(x) 14 = 79,73,392/-
5	Other conventional heads	Rs. 1,21,000/- [16,500+16,500+(44000x2)]
	Total	Rs. 80,94,392/-

13. Thus, the claimants are entitled to total compensation of **Rs.80,94,392/-** instead of Rs.84,62,520/- as awarded by the Claims Tribunal. Accordingly, the impugned award stands modified to the above extent and rest of the conditions shall remain intact.

14. In the result, both the appeals of appellant/s are **partly allowed** to the above extent.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu