

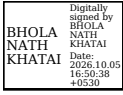


CGHC010274322023



2026:CGHC:42959

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1620 of 2023

- 1** - Kalindri Bai Nirmalkar Wife Of Late Pawan Kumar Nirmalkar, Aged About 46 Years Resident Of Azad Chowk Ward No.13, Mandir Hasaud, District - Raipur, Chhattisgarh. (Claimants)
- 2** - Suman Nirmalkar, Daughter Of Late Pawan Kumar Nirmalkar, Aged About 26 Years Resident Of Azad Chowk Ward No.13, Mandir Hasaud, District - Raipur, Chhattisgarh.
- 3** - Sandeep Nirmalkar, Son Of Late Pawan Nirmalkar, Aged About 29 Years Resident Of Azad Chowk Ward No.13, Mandir Hasaud, District - Raipur, Chhattisgarh.

... Appellant(s)

versus

- 1** - Raju Chandravanshi Son Of Chandrakumar Chandravanshi, Aged About 32 Years Resident Of Shriram Nagar Changora Bhatha Police Station -DD Nagar Tehsil And District -Raipur, Chhattisgarh. (Driver Of Tata Ace Pickup CG 04 MJ 0498) (Driver)
- 2** - Rajesh Kumar Chandravanshi, Son Of Mannu Chandravanshi, Aged About 24 Years Resident Of Shriram Nagar Changora Bhatha Police Station -DD Nagar Tehsil And District - Raipur, Chhattisgarh. (Owner Of Tata Ace Pickup CG 04 MJ 0498) (Owner)
- 3** - Magma (HDI) General Insurance Corporation Limited, Through The Manager Address -Office No.501 & 509-512 5th

Floor D.B. City Corporate Park Plot No.1 Block No.9 Rajbandha
Maidan Raipur District - Raipur, Chhattisgarh. (Insurer Of Tata
Ace Pickup CG 04 MJ 0498) (Insurer)

... Respondent(s)

For Appellant(s) : Ms. Gunjan Rani Agrawal, Advocate, on
behalf of Mr. Palash Agrawal, Advocate

For Respondent : Mr. Prashant Sahu, Advocate
No. 3

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

(05.10.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants seeking enhancement of the compensation awarded by the 2nd Additional Motor Accident Claims Tribunal, Raipur (C.G.), vide impugned award dated 29.04.2023 passed in Motor Accident Claim Case No.518/2021, whereby a total sum of ₹11,18,000/- has been awarded to the claimants on account of the death of Pawan Kumar Nirmalkar, who succumbed to the injuries sustained in the motor vehicle accident that occurred on 13.11.2020.
2. Learned counsel appearing for the appellants/claimants submits that the Tribunal has erred in assessing the monthly income of the deceased at ₹10,000/-. It is submitted that the Tribunal has failed to properly appreciate the salary certificates/documents, Ex.P-22 to Ex.P-29, issued by the employer, wherein the income of the deceased has been shown as ₹18,000/- per month while working as a driver with Speedo Cargo Company. It is, therefore, submitted that the income of the deceased deserves to be enhanced. Learned counsel further submits that the amount awarded under the

conventional heads is also on the lower side and deserves suitable enhancement in accordance with the settled principles of law. It is, therefore, prayed that the compensation awarded by the Tribunal be suitably enhanced.

3. Per contra, learned counsel appearing for respondent No.3- Insurance Company opposes the submissions advanced on behalf of the appellants/claimants and submits that, having regard to the facts and circumstances of the case, the compensation awarded by the Tribunal is just and proper and does not warrant any interference by this Court.
4. Heard learned counsel for the parties and perused the record with due circumspection.
5. Umashankar Dhidhi (AW-2) deposed that he had been working as a Data Entry Operator with Speedo Cargo Company, since 2017. On the basis of the Authorization letter issued by the proprietor of the said company (Ex.P-20), he produced the letter issued by the company in respect of the deceased Pawan Kumar Nirmalkar (Ex.P-21), as well as the salary statements of various employees maintained by the company (Ex.P-22 to Ex.P-29). As per the said documents, the deceased was working as a driver with the company and was being paid a monthly salary of ₹13,000/-. Apart from the said salary, the deceased was also paid certain incentives and allowances. In this regard, AW-2 Umashankar Dhidhi clarified that such incentives were paid to the drivers on the basis of the distance travelled by them and were intended towards their personal expenses and were not part of their salary.
6. Having regard to the aforesaid evidence on record, particularly the testimony of AW-2 and the documentary evidence produced by him, and considering the date of the accident, i.e.

13.11.2020, this Court finds that the monthly income of the deceased assessed by the Tribunal at ₹10,000/- is on the lower side. Accordingly, the monthly income of the deceased is reassessed at ₹13,000/-.

7. The deceased was aged about 52 years at the time of the accident. There are three claimants who are the wife and two children of the deceased.
8. Considering the date of the accident, the age of the deceased and the number of claimants, this Court finds that the addition towards future prospects, deduction towards personal and living expenses and the multiplier applied by the Tribunal do not call for any interference. However, the claimants are entitled to an enhancement of 10% in the amounts payable under the conventional heads, in view of the judgment of the Hon'ble Supreme Court in *National Insurance Company Ltd. v. Pranay Sethi*, (2017) 16 SCC 680.
9. Thus, in light of the aforesaid discussion and the judgments of the Hon'ble Supreme Court in **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**, the compensation is recomputed as under:-

Sl. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	$10,000 \times 12 = 1,20,000$	$13,000 \times 12 = 1,56,000$
2.	Future prospects	(+) 10% (i.e. ₹12000) = 132000	(+) 10% (i.e. 15,600) = 1,71,600
3.	Deduction towards personal	(-) 1/3 (i.e. 44000) = 88000	(-) 1/3 (i.e. 57,200) = 1,14,400

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

	expenses		
4.	Multiplier	(×) 11 = 968000	(×) 11 = 12,58,400
5.	Funeral Expenses	15,000	16,500
6.	Loss of Estate	15,000	16,500
7.	Loss of Consortium	₹1,20,000 (40,000 x 3)	1,32,000 (44,000 x 3)
	Total	₹11,18,000/-	₹14,23,400/-

- 10.** In view of the foregoing analysis, the compensation of ₹11,18,000/- awarded by the Tribunal is enhanced to ₹14,23,400/-. Thus, after deducting the amount already awarded by the Tribunal, the appellants/claimants are entitled to an additional sum of **₹3,05,400/-** (₹14,23,400/- – ₹11,18,000/-). The aforesaid enhanced/additional amount shall carry interest at the rate of 6% per annum from the date of filing of the claim petition before the Tribunal till its actual realization. The remaining terms and conditions of the impugned award shall remain unaltered.
- 11.** Consequently, the appeal is **partly allowed** and the impugned award is modified to the extent indicated hereinabove.
- 12.** The Registry is directed to communicate to the claimants, in writing, the enhanced/additional amount of compensation awarded by this Court over and above the amount awarded by the concerned Tribunal. Such communication shall be made in Hindi (Devanagari) language. The assistance of Para-Legal Volunteers may also be availed, in coordination with the Secretary, District Legal Services Authority of the concerned area where the claimants reside.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai