



CGHC010203732023

2026:CGHC:42697

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 1201 of 2023

1 - Shabnam Khan W/o Late Amir Khan, Aged About 25 Years, R/o Kendupara, Village Karwarjor, P.O. Mukdega, Tah. And P.S. Lailunga, Distt. Raigarh (C.G.),....(Claimants).

2 - Minor Aafiya D/o Late Amir Khan Aged About 3 Years Through Her Legal Guardian Mother Shabnam Khan, R/o Kendupara, Village Karwarjor, P.O. Mukdega, Tah. And P.S. Lailunga, Distt. Raigarh (C.G.).

... Appellants

versus

1 - Sunil Kumar Agrawal Proprietor Anil Kumar Agrawal, Shop No. A 116, First Floor, Narayan Plaza Bilaspur (C.G.), Presently R/o M/s Sunil Kumar Agrawal H. No. 10/01, Bus Stand Pathalgaon, Tah. Pathalgaon, Distt. Jashpur (C.G.), (Owner).

2 - Sanjay Das Mahant S/o Lukeshwar Das Mahant, Aged About 34 Years, R/o Ward No. 36, Krishnanagar, Raigarh Tah. And Distt. Raigarh (C.G.), (Driver).

3 - The New India Insurance Company Limited Through Branch Manager, Regional Office, Kewra Badi, Near Main Branch Of State Bank Of India, Raigarh, Tah. And Distt. Raigarh (C.G.), (Insurance Company).

4 - Yasin Khan S/o Mohabbat Khan, Aged About 58 Years, R/o Kendupara, Village Karwarjor, P.O. Mukdega Tah. And P.S. Lailunga, Distt. Raigarh (C.G.).

5 - Tehrun Khan W/o Yasin Khan, Aged About 54 Years, R/o Kendupara, Village Karwarjor, P.O. Mukdega Tah. And P.S. Lailunga, Distt. Raigarh (C.G.).

... Respondent(s)

For Appellants	:	Mr. Rajendra Tripathi, Advocate.
For other Respondents No.1	:	None
For Respondents No.3	:	Mr. Mohd Azad Siddiqui, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(01.10.2026)

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the case is heard finally.
4. 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 06.09.2022, passed in Claim Case No. 140/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.22,76,560/- as compensation for the death of Ameer Khan, who died in a road accident which took place on 09.04.2021.
5. 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 deceased was working as a motor mechanic and earning Rs. 15,000/- per month, whereas the learned Claims Tribunal has erroneously assessed the monthly income of the deceased at Rs. 9,200/-. It is further submitted that the learned Claims Tribunal has also awarded inadequate amounts under the conventional heads. It is, therefore, prayed that the instant appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
6. Learned counsel appearing for Respondent No. 3/Insurance Company would submit that the learned Claims Tribunal, after duly appreciating the oral and documentary evidence available on record, has rightly awarded the compensation. It is further submitted that, with regard to the income of the deceased, the claimants have not produced any cogent, clinching, or reliable evidence to substantiate the income claimed by them. It is,

therefore, contended that the compensation awarded by the learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

7. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
8. The learned Claims Tribunal assessed the monthly income of the deceased at Rs. 9,200/- on the basis of the Chhattisgarh Minimum Wages Notification issued by the Office of the Labour Commissioner, Chhattisgarh. Though it was claimed by the claimants that, at the time of the accident, the deceased was earning Rs. 15,000/- per month from the work of motor mechanic, no cogent evidence was produced to substantiate the said income. In the opinion of this Court, the monthly income assessed by the learned Claims Tribunal at Rs. 9,200/- is just and proper and does not warrant any interference.
9. The learned Claims Tribunal, considering the fact that the deceased was unmarried and aged about 25 years at the time of the accident and having regard to the number of claimants, added 40% towards future prospects, deducted 1/4 of the income towards the personal and living expenses of the deceased, and applied a multiplier of 18. The aforesaid computation is found to be just and proper.
10. However, under the conventional heads, the learned Claims Tribunal has awarded a sum of Rs. 1,90,000/-. 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. 2,09,000/- under the said heads. To this extent, the impugned award warrants modification.
11. 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. 9,200 x 12 = 1,10,400/-	Rs. 9,200 x 12 = 1,10,400/-
2.	Future prospect	(+)40% (i.e. Rs. 44,160) = 1,54,560/-	(+)40% (i.e. Rs. 44,160) = 1,54,560/-
3.	Deduction	(-) 1/4 (i.e. 38,640) = 1,15,920/-	(-) 1/4 (i.e. 38,640) = 1,15,920/-
4.	Multiplier	(x) 18 = 20,86,560/-	(x) 18 = 20,86,560/-
5	Other conventional heads	Rs. 1,90,000/- (15,000+15,000+1,60,000)	Rs. 2,09,000/- (16,500+16,500+1,76,000)
	Total	Rs. 22,76,560/-	Rs. 22,95,560/-

12. In view of the aforesaid analysis, the amount of compensation of Rs.22,76,560/- awarded by the Claims Tribunal is enhanced to Rs.22,95,560/-. Hence, after deducting the amount of Rs.22,76,560/-, the appellants are held entitled for an additional amount of Rs.**19,000/-**. The additional amount of compensation shall carry interest @ 6% per annum from filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

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

14. The Registry is directed to communicate the claimants in writing

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

“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

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