



CGHC010399032022



2026:CGHC:42957

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 16 of 2023**

1 - Ghasiram Thakur S/o Shri Sampat Singh Aged About 54 Years
R/o Mahalpara, Saraipali Tehsil And District Mahasamund
Chhattisgarh.

2 - Smt. Geeta Bai W/o Ghasiram Thakur Aged About 50 Years R/o
Mahalpara, Saraipali Tehsil And District Mahasamund Chhattisgarh.

... Appellants**versus**

1 - Dinbandhu Bisi S/o Shri Purnchand Bisi Aged About 34 Years
R/o Badaftmunda, Cherupali, P. O. Cherupali, Thana Dongripali,
District Sonpur (Odisha) Driver

2 - Radheshyam Das S/o Shri Ranjit Das R/o Bonda Bardol,
Bargarh, Tehsil And District Bargarh (Odisha) Owner (Vehicle No.
C.G. 13 Q 0729)

3 - United India Insurance Co. Ltd. Divisional Office, Krishna
Complex Infront Of Court, Raipur, Tehsil And District Raipur
Chhattisgarh. (Vehicle No. C.G. 13 Q 0729)

... Respondents

For Appellants/Claimants : Ms. Shruti Shrivastava, Advocate.

For Respondents No. 1 & 2 : None.

For Respondent No. 3 : Mr. B.N. Nande, Advocate with
Ms. Anjali Nayak, Advocate.

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 (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 08.09.2022, passed in Claim Case No.432/2020, whereby the learned Claims Tribunal has awarded a total sum of Rs.16,65,061/- as compensation for the death of Late Uday Singh (27 years old), who died in a road accident which took place on 16.12.2019.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding a lesser amount of compensation in the facts of the case. She further submits that the claimants/appellants pleaded that the deceased was working as a supervisor at Om Traders, Saraipali (C.G.) and was earning Rs. 18,000/- per month; to substantiate this claim, they have produced salary certificate Ex. P-15 and examined Ankit Kumar Agrawal (AW-3), who is the proprietor of Om Traders, Saraipali and issued that salary certificate. Therefore, the deceased's monthly income ought to be taken as Rs. 18,000/- per month instead of Rs. 10,030/-. As such, by allowing this appeal, the compensation may be enhanced accordingly.
3. Learned counsel for respondent No. 3/insurance company supported the impugned award and submitted that the tribunal has rightly denied reliance on the salary certificate, Ex. P-15, as there are no other substantial documents such as a passbook, bank statement or I.T. return, etc. except this salary certificate.
4. I have heard learned counsel for the parties and went through the records with utmost circumspection.
5. In the case at hand, Ankit Kumar Agarwal (AW-3) was examined on behalf of the claimant; identifying himself as the proprietor of 'Om Traders,' he stated that he issued the salary certificate (Exhibit P-15) for the deceased. According to him, Om Traders is located on Padampur Road, Saraipali (District Mahasamund),

and the deceased had been working there as a supervisor since 2013, earning a monthly salary of ₹18,000/-. However, during cross-examination, he admitted that he had not produced any other documentary evidence regarding his business or the deceased's employment there to substantiate the basis on which the said salary certificate (Ex.P-15) was issued. Under these circumstances, it would not be appropriate to accept the deceased's monthly salary as ₹18,000/-; however, it is evident that the deceased, who was 27 years old, was indeed employed in that business. The accident occurred in the year 2019, and the Tribunal has assessed the minimum wage at ₹10,030/- based on the rates applicable for that year.

6. Considering the facts and circumstances of the case, it appears appropriate to assess the deceased's monthly income at Rs.15,000/- in the interest of justice. Hence, the monthly income of the deceased is taken as Rs. 15,000/- and to that extent, the impugned award needs to be modified.
7. 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. 10,030 x 12 = 1,20,360/-	Rs. 15,000 x 12 = 1,80,000/-
2.	Future prospect	(+)40% (i.e. Rs. 48,144) = 1,68,504/-	(+)40% (i.e. Rs. 72,000) = 2,52,000/-
3.	Deduction	(-) 1/2 (i.e. Rs. 84,252) = 84,252/-	(-) 1/2 (i.e. Rs. 1,26,000) = 1,26,000/-

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

4.	Multiplier	(x) 17 = 14,32,284/-	(x) 17 = 21,42,000/-
5	Other conventional heads	Rs. 1,21,000/- [16,500+16,500+(44,000x2)]	Rs. 1,10,000/- [15,000+15,000+(40,000x2)]
6.	Treatment expenses	Rs. 1,11,777/-	Rs. 1,11,777/-
	Total	Rs. 16,65,061/-	Rs. 23,63,777/-

- 8.** In view of the aforesaid analysis, the amount of compensation of Rs.16,65,061/- awarded by the Claims Tribunal is enhanced to Rs.23,63,777/-. Hence, after deducting the amount of Rs.16,65,061/-, the appellants are held entitled for an additional amount of **Rs.6,98,716/-**. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.
- 9.** In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
- 10.** 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