



CGHC010160132024



2026:CGHC:33798

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1092 of 2024**

1 - Raghubeer Singh Sahu S/o Shivram Sahu Aged About 52 Years R/o 986, Sadak No. 01, Surya Vihar Chowk, Smriti Nagar Bhilai, Chowki- Smriti Nagar, Police Station Supela, Bhilai Tahsil And District- Durg (C.G.).

2 - Thameshwar Sahu S/o Late Shivram Sahu, Aged About 56 Years R/o Sadak No. 01 Surya Vihar Chowk, Smriti Nagar Bhilai, District- Durg (C.G.).

3 - Akant Sahu S/o Late Shivram Sahu, Aged About 46 Years R/o- Ramnagar Muktidham, Supela, Bhilai, District- Durg (C.G.).

4 - Rudreshwar Prasad Kaliyari S/o Late Shivkumar Sahu, Aged About 45 Years R/o- Ramnagar Muktidham, Supela, Bhilai, District- Durg (C.G.).

... Appellants**versus**

1 - Tarandeep Singh S/o Harjeet, Singh, R/o Vaishali Nagar, Near Shiv Mandir, Tahsil And District- Durg (C.G.). (Driver And Owner Of Offending Car Cg- 04/ Hb- 4301)

2 - Ashok Kumar Sahu S/o Firtu Ram Sahu, R/o Premnagar Gudhityari Raipur, District- Raipur, C.G. (Owner Of Offending Car Cg- 04/ Hb- 4301)

3 - Chola Mandalam M.S. General Insurance Company Limited, Through- Claim Manager, R/o Ward No. 25 (Guru Govind Ward) Second Floor Simran Tower, Infront Of L.I.C. Building Pandari, Road, Raipur, Tahsil And District- Raipur (C.G.) (Insurer Of Offending Car Cg- 04/ Hb- 4301)

--- Respondent(s)

For Appellants	:	Mr. Devendra Kumar Swarnakar, Advocate on behalf of Mr. Jitendra Gupta, Advocate
For Respondents No.1 & 2	:	None
For Respondents No.3	:	Mr. Sangeet Kumar Kushwaha and Mr. Prashant Sahu, Advocates

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board
(04.08.2026)

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 02.01.2024, passed in Claim Case No.45/2020, passed by Motor Accident Claims Tribunal, Durg (C.G.), whereby the learned Claims Tribunal has awarded a total sum of Rs.70,000/- as compensation for the death of Shivram Sahu who was aged about 80 years and died in a road accident which took place on 04.04.2012.
2. Learned counsel for the appellant would submit that the learned Claims Tribunal has erred in awarding lesser amount of compensation in the facts of the case. The Claims Tribunal has not assessed income of the deceased and also awarded lesser amount in other conventional heads, which needs to be enhanced. Therefore, the instant appeal be allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.
3. 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.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. In the case at hand, true it is that the learned Tribunal has not assessed income of the deceased, which ought to be Rs.4,498/- as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh and in other conventional heads only awarded Rs.70,000/- which ought to be Rs.1,90,000/-, to that extent the impugned award needs to be modified.
6. 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	NA	Rs. 4498 x 12 = 53,976/-
2.	Future prospect	NA	NA (as the deceased was aged about 80 years)

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

3 (2018) 18 SCC 130

3.	Deduction	NA	(-) 1/4 (i.e. 13494) = 40,482/-
4.	Multiplier	NA	(x) 1 = 40,482/-
5	Other conventional heads	Rs. 70,000/-	Rs. 1,90,000/- (15000+15000+160 000)
	Total	Rs. 70,000/-	Rs. 2,30,482/-

7. In view of the aforesaid analysis, the amount of compensation of Rs.70,000/- awarded by the Claims Tribunal is enhanced to Rs.2,30,482/-. Hence, after deducting the amount of Rs.70,000/-, the appellants are held entitled for an additional amount of Rs.1,60,482/-. 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 including the order of pay and recover shall remain intact.
8. In the result, the appeal is **partly allowed** and the impugned award is modified to the extent as indicated herein-above.
9. 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