



2026:CGHC:26530

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1636 of 2019**

1. Smt. Fhulmati W/o Late Shiv Kumar, Aged About 24 Years;
2. Kumari Naina D/o Late Shiv Kumar, Aged About 10 Years  
Aged About 10 Months (Minor Represented Through Natural  
Guardian Smt. Fhulmati, W/o- Late Shiv Kumar, Mother);
3. Smt. Santra Bai W/o Aitwar Singh Aged About 55 Years;
4. Aitwar Singh S/o Late Sundar Singh Aged About 58 Years;
5. Rajkumari D/o Aitwar Singh Aged About 15 Years (Minor  
Represented Through Natural Guardian Smt. Santra Bai, W/o  
- Aitwar Singh, Mother)

All are R/o Village - Mugumbari, P.S. And Tahsil -  
Khadgawan, District - Koriya Chhattisgarh, At Present -  
Baikunthpur, Mahalpara, P.S. And Tahsil - Baikunthpur,  
District- Koriya, Chhattisgarh.

**... Appellants**

**versus**

1. Nikhil Yadav S/o Ghanshyam Yadav Aged About 22 Years  
Occupation- Driver, R/o Ward No. 13, Bandhpara, Podi, P.S.  
And Tahsil - Khadgawan, District- Koriya Chhattisgarh.
2. Ghanshyam Yadav S/o - Ramprasad Aged About 40 Years  
Occupation- Owner, R/o Ward No. 13, Bandhpara, Podi, P.S.  
And Tahsil - Khadgawan, District- Koriya Chhattisgarh.
3. Branch Manager, Iffco Tokiyo General Insurance Company  
Ltd. Branch Office - Narmada Road, In Front Of Mittal Gas  
Agency, Jabalpur M.P.

**... Respondent(s)**

|                          |    |                                                                                 |
|--------------------------|----|---------------------------------------------------------------------------------|
| For Appellants           | :- | Shashikesh Yadav, Advocate, appears on behalf of Mr. Pushkar Sinha, Advocate.   |
| For Respondents No.1 & 2 | :- | Mr. Bhupendra Singh, Advocate.                                                  |
| For Respondent No.3      | :- | Mr. Swapnil Thawmy, Advocate, appears on behalf of Mr. P.R. Patankar, Advocate. |

**SB- Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**30.06.2026**

1. This appeal has been filed by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") seeking enhancement in the compensation amount, against the impugned award dated 31.01.2019 passed by the Motor Accident Claims Tribunal, Baikunthpur, District Koriya, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 42/2018, whereby the Claims Tribunal allowed the claimants' application and awarded ₹6,77,600/- along with interest for death of Shiv Kumar.

2. Mr. Shashikesh Yadav, learned counsel for the appellant, would submit that 50% compensation has been deducted towards contributory negligence on the ground that on the offending vehicle three persons were traveling which runs contrary to the decision of the Supreme Court in the matter of **Mohammed Siddique & another v. National Insurance Company Limited & others**<sup>1</sup>. He would also submit that the

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<sup>1</sup> AIR 2020 SC 520

Claims Tribunal erred in assessing income of the deceased ₹6,000/- per month which should be ₹7,930/- per month as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. He would further submit that under the head of consortium less amount has been awarded by the Claims Tribunal which is liable to be enhanced.

3. Mr. Bhupendra Singh, learned counsel for respondents No.1 & 2, would submit that driver and owner of the vehicle are not liable to pay the compensation amount to the claimants.
4. Mr. Swapnil Thawmy, learned counsel for respondent No.3/Insurance Company, oppose the prayer made by learned counsel for the appellants/claimants and submit that the Insurance Company is not liable to pay the compensation to the appellants and even the Claims Tribunal has rightly deducted 50% from the compensation towards the contributory negligence.
5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records minutely.
6. Admittedly, the Claims Tribunal has deducted 50% compensation towards the contributory negligence on the

ground that on the offending vehicle three persons were traveling, however, the said finding of the Claims Tribunal runs contrary to the decision of the Supreme Court in the matter of **Mohammed Siddique** (supra). Accordingly, deduction of 50% compensation is set aside. Furthermore, Learned Claims Tribunal assessed the monthly income of deceased to be ₹6,000/- however, in the opinion of this Court, as per the Chhattisgarh Minimum Wages Notification issued by the office of Labour Commissioner, Chhattisgarh, the monthly income of the deceased should be ₹7,930/- (as per minimum wages prescribed at relevant time for skilled labour) and ₹95,160/- per annum. Furthermore, the claims Tribunal has awarded less amount under the head of consortium which is also liable to be enhanced. As such, the compensation amount is liable to be enhanced.

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 Sethi**<sup>2</sup>, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**<sup>3</sup> and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors**<sup>4</sup>, this Court is computing the compensation as below:-

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<sup>2</sup> (2017) 16 SCC 680

<sup>3</sup> (2009) 6 SCC 121

<sup>4</sup> (2018) 18 SCC 130

| Sr. No. | Heads            | Compensation awarded by the Tribunal                                                                            | Compensation awarded by this Court                                                                              |
|---------|------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1.      | Income           | $\text{₹}6,000 \times 12 = \text{₹}72,000/-$                                                                    | $\text{₹}7,930 \times 12 = \text{₹}95,160/-$                                                                    |
| 2.      | Future Prospect  | $(+)40\% = 28,800/-$ ;<br>Total = $\text{₹}6,000 + 28,800 = 1,00,800/-$                                         | $(+)40\% = \text{₹}38,064/-$ ;<br>Total = $\text{₹}95,160 + 38,064 = \text{₹}1,33,224/-$                        |
| 3.      | Multiplier       | $(x) 17 = \text{₹}17,13,600/-$                                                                                  | $(x) 17 = \text{₹}22,64,808/-$                                                                                  |
| 4.      | Deduction        | $(-) \frac{1}{4} = \text{₹}4,28,400/-$ ;<br>$\text{₹}17,13,600 - 4,28,400 = \text{₹}12,85,200/-$ (total income) | $(-) \frac{1}{4} = \text{₹}5,66,202/-$ ;<br>$\text{₹}22,64,808 - 5,66,202 = \text{₹}16,98,606/-$ (total income) |
| 5.      | Loss of Estate   | $\text{₹}15,000/-$                                                                                              | $\text{₹}15,000/-$                                                                                              |
| 6.      | Funeral Expenses | $\text{₹}15,000/-$                                                                                              | $\text{₹}15,000/-$                                                                                              |
| 7.      | Consortium       | $\text{₹}40,000/-$                                                                                              | $\text{₹}40,000 \times 4 = \text{₹}1,60,000/-$                                                                  |
| 8.      | Deduction        | $\text{₹}13,55,200/-$ ;<br>$50\% (-) = \text{₹}6,77,600/-$                                                      | NIL                                                                                                             |
|         | <b>Total</b>     | <b><math>\text{₹}6,77,600/-</math></b>                                                                          | <b><math>\text{₹}18,88,606/-</math></b>                                                                         |

8. In view of the aforesaid analysis, the amount of compensation of **₹6,77,600/-** awarded by the Claims Tribunal is enhanced to **₹18,88,606/-**. Hence, after deducting the amount of **₹6,77,600/-**, the appellants/claimants are held to be entitled to an additional amount of **₹12,11,006/-**. The concerned respondent is directed to deposit the amount of compensation as enhanced by this Court within a period of three months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @7.5% *per annum* from the date of filing of claim application before the

Tribunal till its realization. Rest of the conditions of the impugned award shall remain intact.

9. Accordingly, this appeal is allowed in part and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**

Ankit