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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 746 of 2020**

- Kamal Singh Banafar S/o Dhanraj Singh Banafar, Aged About 28 Years, R/o Shihud, Post Shihud, Tahsil And P. S. Navagarh District Janjgir Champa, Chhattisgarh.

...Appellant**versus**

1. Gulabchand Patel S/o Bhuneshwar Prasad Patel, Aged About 54 Years, R/o Kharkena, Post Salhe, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
2. Branch Manager United India Insurance Company Ltd. Through Branch Office Gurukripa Tower, Side Of ICICI Bank Vyapar Vihar Road, Tahsil And District Bilaspur, Chhattisgarh.

... Respondents

For Appellant :- Mr. Ghanshyam Patel, Advocate, appears on behalf of Mr. D.L. Dewangan, Advocate.

For Respondent No.2 :- Mr. Dashrath Gupta, Advocate.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board**05.05.2026**

1. Heard on I.A. No.1, application for condonation fo delay.
2. On due consideration and for the reasons mentioned in the application, the same is allowed and the delay of 23 days' in filing the instant appeal is condoned.



3. With the consent of parties, the matter is heard finally.
4. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short “Act of 1988”) has been preferred by the injured appellant/claimant, seeking enhancement in the amount of compensation by challenging the impugned award dated 27.11.2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur, Chhattisgarh (for short “Claims Tribunal”) in Claim Case No. 371/19 whereby learned Claims Tribunal has allowed the claimant’s application and awarded a sum of ₹15,52,630/- as compensation along with interest.
5. Mr. Ghanshyam Patel, learned counsel for the appellant, would submit that learned Claims Tribunal has erred in awarding less amount of compensation in the facts of the present cases. He would also submit that the Claims Tribunal erred in assessing income of the injured claimant to the tune of ₹6,000/- per month which should be ₹8,140/- per month as per Chhattisgarh Minimum Wages Notification issued by the office of the Labour Commissioner, Chhattisgarh. He would further submit that under the heads of nutritious food and attendant less amount has been awarded by the Claims Tribunal which is liable to be enhanced. Therefore, the appeal filed by the injured claimant deserves to be



allowed and the compensation awarded by the Claims Tribunal may suitably be enhanced.

6. Mr. Dashrath Gupta, learned counsel for the Insurance Company, would oppose the prayer made by learned counsel for the appellant and submit that the amount of compensation awarded by the Claims Tribunal is just and proper which does not call for any interference.
7. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records meticulously.
8. 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 ₹8,140/- (as per minimum wages prescribed at relevant time) and ₹97,680/- per annum. Furthermore, the Claims Tribunal has awarded less amount under the heads of nutritious food and attendant, which is liable to be enhanced.
9. Thus, in light of the aforesaid discussion this Court is computing the compensation as below:-



Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Income	₹6,000x12= ₹72,000/-	₹8,140x12= ₹97,680/-
2.	Future Prospect	(+)40% = ₹28,800/-; Total ₹72,000+28,800 ₹1,00,800/-	(+) 40% =39,072/- = Total = ₹97,680+39,072= ₹1,36,752/-
3.	Multiplier	(x) 17 = ₹17,13,600/-	(x)17 = ₹23,24,784/-
4.	Loss of earning capacity i.e. 50%	50% = ₹8,56,800/-	50% = ₹11,62,392/-
5.	Medical Expenses	₹6,25,830/-	₹6,25,830/-
6.	For mental pain and suffering	₹30,000/-	₹30,000/-
7.	For transportation	₹20,000	₹20,000/-
8.	For Nutritious food	₹10,000/-	₹50,000/-
9.	For attendant	₹10,000/-	₹50,000/-
10.	For future disability	NIL	₹1,00,000/-
11.	Total	₹15,52,630/-	₹20,38,222/-

10. In view of the aforesaid analysis, the amount of compensation of **₹15,52,630/-** awarded by the Claims Tribunal is enhanced to **₹20,38,222/-**. Hence, after deducting the amount of **₹15,52,630/-**, the appellant/injured claimant is held to be entitled to an additional amount of **₹4,85,592/-**. 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



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compensation shall carry interest @6% *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.

11. Accordingly, the appeal filed by the injured claimant/appellant is allowed in part and the impugned award is modified to the extent as indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit