



2026:CGHC:4370



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NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1936 of 2024**

1. Rukhmani Bai Yadav W/o Late Girdhar Yadav Aged About 32 Years Resident Of Village Ganoud Police Station Rakhi, District - Raipur (C.G.)
2. Bharti Yadav D/o Late Girdhar Yadav Aged About 15 Years Resident Of Village Ganoud Police Station Rakhi, District - Raipur (C.G.) Appellant No. 2 And 3 Are Minor Through Legal Guardian Mother Appellant No. 1 (Claimants)
3. Gopichand Yadav S/o Late Girdhar Yadav Aged About 12 Years Resident Of Village Ganoud Police Station Rakhi, District - Raipur (C.G.) Appellant No. 2 And 3 Are Minor Through Legal Guardian Mother Appellant No. 1 (Claimants)
4. Pyaribai Yadav W/o Late Sundru Yadav Aged About 56 Years Resident Of Village Ganoud Police Station Rakhi, District - Raipur (C.G.) (Claimants)

**... Appellant(s)**

**versus**

1. Ramlal Sahu S/o Pitamber Sahu Aged About 47 Years R/o Village Nikum, Police Station Anda District - Durg (C.G.) ( Driver Of Alleged Offending Vehicle Car Bearing Registration No. Cg. 07-Aq- 2353 )
2. Chandra Kumar Chandrakar S/o Late Ganesh Ram Chandrakar R/o Village And Post Kuthrel Police Station Anda District - Durg (C.G.) (Owner Of Alleged Offending Vehicle Car Bearing Registration No. Cg. 07 - Aq - 2353 )
3. The Icici Lombard General Insurance Company Limited Through Divisional, Officer Icici Lombard General Insurance Company Limited, Chawla Complex, Devendra Nagar Road, Raipur, District - Raipur (C.G.) ( Insurer Of Alleged Offending Vehicle Car Bearing Registration No. C.G. 07- Aq- 2353)

**... Respondent(s)**



|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For Appellants       | : | Mr. S.P. Sahu, Advocate              |
| For Respondent No. 3 | : | Mr. Shekhar Rao Saheb Amin, Advocate |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Judgment On Board**

**27.1.2026**

- 1) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Seventh Motor Accident Claims Tribunal, Raipur in Claim Case No. 308/2022 dated 14.6.2024 whereby learned Tribunal has passed an award to the tune of Rs. 18,02,800/- with interest @ 9% on account of death of Girdhar Yadav.
- 2) Facts of the present case are that on 4.3.2022, Girdhar Yadav was going to Mandir Hasoud on scooty as pillion rider. At about 12:00 hrs., offending vehicle – Car bearing registration No. CG-07-AQ-2353 being driven in rash and negligent manner, dashed the scooty. In the accident, Girdhar Yadav sustained grievous injuries and died during course of treatment. Claimants, who are the widow, minor children and mother of deceased moved claim application claiming therein compensation to the tune of Rs. 29,74,000/-. They pleaded that the deceased was aged 34 years and was earning Rs. 12,000/- per month working as worker in a shop. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.
- 3) Learned counsel for the appellants submits that learned Tribunal has assessed the notional income of the deceased to be Rs. 8,000/- per month which is not in consonance with the minimum wage matrix applicable in the State of Chhattisgarh at the relevant time. Although,



he fairly submits that learned Tribunal has awarded just and proper compensation under conventional heads. He prays to modify the award accordingly.

- 4) On the other hand, learned counsel appearing for the Insurance Company would oppose. He submits that learned Tribunal has awarded just and proper compensation and this appeal deserves to be dismissed.
- 5) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 6) Admittedly, claimants have not placed on record any document to demonstrate the monthly income of the deceased. However, learned Tribunal has assessed the monthly income of the deceased to be Rs. 8,000/- whereas according to the minimum wage matrix applicable in the State of Chhattisgarh, minimum wages payable to an unskilled laborer in March, 2022 was Rs. 9,540/- per month and learned Tribunal ought to have considered that figure. However, under other conventional heads learned Tribunal has awarded just and proper compensation and same does not warrant any interference.
- 7) Thus, in light of the aforesaid discussion, this Court is re-computing the compensation as below:

| Sr. No. | Heads                | Compensation awarded by Tribunal | Compensation awarded by this Court |
|---------|----------------------|----------------------------------|------------------------------------|
| 1.      | Annual Income        | Rs. 96,000/-<br>(@Rs. 8,000 pm)  | Rs. 1,14,480/-<br>(@Rs. 9,540 pm)  |
| 2.      | Annual Income adding | Rs. 1,34,400/-                   | Rs. 1,60,272/-                     |



|    |                                                         |                          |                          |
|----|---------------------------------------------------------|--------------------------|--------------------------|
|    | Future Prospect                                         | (@40%)                   | (@40%)                   |
| 3. | Annual income after Deduction towards personal expenses | Rs. 1,00,800/-<br>(@1/4) | Rs. 1,20,204/-<br>(@1/4) |
| 4. | Annual Income after applying Multiplier                 | Rs. 16,12,800/-<br>(@16) | Rs. 19,23,264/-<br>(@16) |
| 5. | Loss of Estate                                          | Rs. 15,000/-             | Rs. 15,000/-             |
| 6. | Funeral expenses                                        | Rs. 15,000/-             | Rs. 15,000/-             |
| 7. | Loss of Consortium                                      | Rs. 1,60,000/-           | Rs. 1,60,000/-           |
|    | <b>TOTAL</b>                                            | <b>Rs. 18,02,800/-</b>   | <b>Rs. 21,13,264/-</b>   |

- 8) Accordingly, the amount of compensation of **Rs. 18,02,800/-** awarded by the Claims Tribunal is enhanced to **Rs. 21,13,264/-**. Hence, the appellants are entitled for an additional amount of **Rs. 3,10,464/-**. The Insurance Company is directed to make payment of additional compensation assessed herein-above within period of 60 days. Rest of the terms of the award shall remain intact.
- 9) Accordingly, the appeal is **allowed in part** and the impugned award is modified to the extent as indicated herein-above.

Sd/-  
(**Rakesh Mohan Pandey**)  
JUDGE

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