



2026:CGHC:4892

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1946 of 2024**

1. Padum Das Mahant S/o Mathudas Mahant, Aged About 49 Years R/o Village-Bokaramuda, District-Raigarh (C.G.) Presently Residing At Beladula Raigarh, District-Raigarh (C.G.) Note-Present Age Of The Appellant Is Herein Mentioned As 49 Years. -----(Claimant No.1)
2. Hembai Mahant W/o Shri Padum Das Mahant, Aged About 44 Years R/o Village-Bokaramuda, District-Raigarh (C.G.) Presently Residing At Beladula Raigarh, District-Raigarh (C.G.) Note-Present Age Of The Appellant Is Herein Mentioned As 49 Years. -----(Claimant No.2)

... Appellant(s)**versus**

1. Hadish Ansari S/o Israil Ansari, Aged About 24 Years R/o Rajkhand, Police Station-Vishrampur, District-Palum (Jharkhand) Present Address- House Of Samsuddin Ansari, Vikasnagar Kusmunda, Police Station- Kusmunda, District-Korba (C.G.) ----- (Non Applicant No.1/driver Of Truck No. C.G. 15-Dx-9926) ----- (Note-Present Age Is Herein Mentioned As 24 Years)
2. Sajid Ansari S/o Ajijmuiddin, Aged About 28 Years R/o Imalijhapar, Madarsa Road, Vikasnagar, Kusmunda, Police Station Kusmunda, District-Korba (C.G.) -----(Non-Applicant No.2/owner Of Truck No. Cg-15-Dx-9926) ----- (Note-Present Age Is Herein Mentioned As 28 Years)
3. Branch Manager, The New India Insurance Company Pvt. Limited, Division Office, Near Main Branch Of State Bank Of India, Kewadabadi, Bus Stand, Raigarh, District- Raigarh (C.G.) ----- (Non-Applicant No.3/insurer Of Truck No. Cg-15-Dx-9926)

... Respondent(s)



For Appellants	:	Mr. Arvind Shrivastava, Advocate
For Respondent No. 3	:	Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

29.1.2026

- 1) This appeal has been preferred by the appellants/ claimants under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Third Additional Motor Accident Claims Tribunal, Raigarh in Claim Case No. 205/2022 dated 8.5.2024 whereby learned Tribunal has passed an award to the tune of Rs. 15,63,448/- with interest @ 7.5% on account of death of Hitesh Mahant.
- 2) Facts of the present case are that on 24.8.2022 at about 11:40 pm, Hitesh Mahant and Santoshi Rathiya were riding the motorcycle and when they reached near Kashichua Chowk, the offending vehicle – Truck bearing registration No. CG-15-DX-9926 dashed the motorcycle. In the accident, Hitesh Mahant sustained grievous injuries and died on the way to hospital. Claimants, who are the parents of deceased moved claim application claiming therein compensation to the tune of Rs. 61,00,000/-. They pleaded that the deceased was aged 23 years and was earning Rs. 15,000/- per month working as tailor. Learned Tribunal framed issues ; parties led evidence and thereafter award impugned was passed.



- 3) Learned counsel for the appellants submits that claimants led evidence to prove that deceased was a tailor i.e. a skilled laborer but learned Tribunal committed error of law in treating the deceased to be an unskilled laborer and assessing the notional income of deceased to be Rs. 9,540/- 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) A careful perusal of record would reveal that claimants specifically pleaded that deceased was a tailor earning Rs. 15,000/- per month and in evidence, Padum Das (AW/1) who is father of deceased also stated the same. In cross-examination, no question was put by Insurance Company to prove the contrary. Taking into consideration the evidence led by the claimants with regard to profession of deceased, it would be apt to consider the deceased a “semi-skilled laborer”.



7) Learned Tribunal has treated the deceased to be an unskilled laborer and assessed his monthly income to be Rs. 9,540/- whereas according to the minimum wage matrix applicable in the State of Chhattisgarh, minimum wages payable to semi-skilled laborer in August, 2022 was Rs. 10,700/- 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.

8) 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. 1,14,480/- (@Rs. 9,540 pm)	Rs. 1,28,400/- (@Rs. 10,700 pm)
2.	Annual income after Deduction towards personal expenses	Rs. 57,240/- (@1/2)	Rs. 64,200/- (@1/2)
3.	Annual Income after applying Multiplier	Rs. 10,30,320/- (@18)	Rs. 11,15,600/- (@18)
4.	Annual Income adding Future Prospect	Rs. 14,42,448/- (@40%)	Rs. 16,17,840/- (@40%)
5.	Loss of Estate	Rs. 16,500/-	Rs. 16,500/-
6.	Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
7.	Loss of Consortium	Rs. 88,000/-	Rs. 88,000/-
	TOTAL	Rs. 15,63,448/-	Rs. 17,38,840/-



9) Accordingly, the amount of compensation of **Rs. 15,63,448/-** awarded by the Claims Tribunal is enhanced to **Rs. 17,38,840/-**.

Hence, the appellants are entitled for an additional amount of **Rs. 1,75,392/-**. 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.

10) 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

Aj i n k y a