NEUTRAL CITATION NO. 2026:MPHC-IND:27079

 M.A. NO.2338/2022

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

M.A. NO.2338/2022

NARENDRA SINGH AND OTHERS

Versus

DURGESH AND OTHERS

Appearance:

Shri Romil Malpani–Advocate for the appellants.

Shri Saranjit Singh Chawla–Advocate for the respondent No.2.

Reserved on :08.09.2026

Post on : 24.09.2026

ORDER

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The present miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988, is filed against the impugned award dated 18.11.2020. This award was passed by the learned Member, Motor Accident Claims Tribunal (MACT), Mandsaur (M.P.), in Claim Case No. 10/2018. By the impugned award, the learned Tribunal has partially allowed the claim petition filed under Section 166 of the Motor Vehicles Act, 1988. The Tribunal awarded a total compensation of ₹ 2,90,000/- on account of the death of the deceased, Gopal Singh, in a motor vehicle accident. The Tribunal has held the respondent nos. 1 and 2 jointly and severally liable to satisfy the award.

2. The appellants, being the original claimants and sons of the deceased, have preferred this appeal seeking an enhancement of the compensation amount. They are seeking an enhancement by ₹ 1,00,000/-, claiming that the amount awarded by the learned Tribunal is on the lower side and suffers from inadequacy. The appellants assert that the award requires to be appropriately modified along with an award of interest at the rate of 12% per annum. They contend that the Tribunal failed to consider the

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increasing cost of living while assessing the income and calculating the final compensation amount.

FACTS IN BRIEF

3. The factual matrix leading to the present appeal, as it emerges from the record, is that on 10.11.2017 at about 6:45 p.m., the deceased Gopal Singh met with an accident. It was pleaded before the Tribunal that the driver of the offending vehicle was driving the same in a rash and negligent manner, due to which the accident took place. As a direct consequence of this rash and negligent driving, Gopal Singh sustained grievous injuries and subsequently succumbed to his death. Following the unfortunate demise of Gopal Singh, a claim petition bearing Claim Case No. 10/2018 was instituted before the learned MACT, Mandsaur.

4. The original claimants before the Tribunal were Antar Kuvar the wife of the deceased, and his two major sons, namely, Narendra Singh and Himmat Singh. During the pendency of the claim petition before the learned Tribunal, the wife of the deceased, Antar Kuvar, expired on 13.01.2018. Consequently, the claim petition proceeded, and the final award was passed on 18.11.2020

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in favour of the two surviving sons alone. The Tribunal quantified the total compensation at ₹ 2,90,000/-. Aggrieved by the perceived inadequacy of the compensation awarded, the two sons preferred the present Miscellaneous Appeal on 13.06.2022.

5. During the pendency of this appeal, significant subsequent events occurred which altered the array of parties. Appellant No. 2, Himmat Singh, expired on 17.09.2022. Shortly thereafter, on 22.09.2022, Appellant No. 1, Narendra Singh, who had become the sole surviving appellant, executed a Registered Will. By way of this testamentary instrument, he bequeathed the Fixed Deposit amount standing in the name of his deceased brother Himmat Singh, and all residuary property that may exist as on the date of his own death, in favour of his maternal uncle, Bhanwar Singh. Narendra Singh subsequently expired on 29.09.2022.

6. Thereafter, Bhanwar Singh applied for and was granted a succession certificate under Section 372 of the Indian Succession Act, 1925, vide order dated 25.04.2024. He then moved an application bearing I.A. No. 2132/2026 to be brought on record as the legal representative of the deceased appellants to prosecute the present appeal. The said application was allowed by this Court vide

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order dated 09.04.2026. Consequently, Bhanwar Singh stands impleaded on record as the legal representative of the deceased appellants, pressing for the enhancement of compensation on their behalf.

CONTENTIONS OF THE APPELLANT

7. Learned counsel for the appellant submits that the impugned award passed by the learned Tribunal is against the law and facts available on record. It is argued that the compensation awarded by the learned Tribunal is on a much lower side and the award suffers from severe inadequacy. Learned counsel for the appellant submits that the income assessed by the learned Tribunal is on the lower side, as it failed to take a view of the increasing inflation rate. The Tribunal should have factored in the continuous rise in the cost of living while assessing the income of the deceased on the date of the accident.

8. It is further submitted that the learned MACT grossly erred in not assessing and awarding future prospects to the deceased and also erred in adopting a multiplier on the lower side. The learned counsel also points out that the Tribunal erred in granting a

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meager amount towards loss of estate and funeral expenses. It is highlighted that the Tribunal awarded nothing towards love and affection, loss of expectancy of life, conveyance, mental shock and agony, and other pecuniary and non-pecuniary damages. Therefore, it is prayed that the compensation be enhanced to a just and reasonable amount.

9. On the issue of locus and entitlement, learned counsel for the appellant submits that Bhanwar Singh is fully entitled to prosecute the appeal and receive the enhanced compensation. Relying upon Section 2(11) of the Code of Civil Procedure, it is argued that the definition of "legal representative" is wide and inclusive. It means any person who in law represents the estate of a deceased person, including an intermeddler. It is not confined to blood relations or heirs recognized strictly under personal law.

10. To bolster this submission, heavy reliance is placed on the judgment of the Hon'ble Supreme Court in **Custodian of Branches of Banco National Ultramarino v. Nalini Bai Naique, AIR 1989 SC 1589**. The counsel quotes:

> *"the definition is inclusive in character and its scope is wide; it is not confined to legal heirs only, instead it stipulates a person*

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> *who may or may not be heir, competent to inherit the property of the deceased but who represents the estate of the deceased person and if there are several heirs, those in bona fide possession, without fraud or collusion, are also entitled to represent the estate."*

11. Learned counsel for the appellant further relies upon **Andhra Bank Ltd. v. R. Srinivasan, AIR 1962 SC 232,** submitting that a partial legatee under a Will represents the estate of the deceased. The counsel cites:

> *"a legatee under a will, even of only a part of the estate, is a person who in law represents the estate within the meaning of Section 2(11) CPC; there is no warrant for reading "estate" in that provision as meaning the whole of the estate, and different legatees of different parcels can each represent it."*

12. Reliance is also placed on **Suraj Mani v. Kishori Lal, AIR 1976 HP 74,** to argue that substitution based on a Will is for the purpose of enabling the proceeding to go on. The quoted extract reads:

> *"the definition of legal representative in Section 2(11) CPC is very wide and includes a person who seeks to represent the estate of a deceased person on the basis of a will said to have been executed in his favour: the substitution is limited to enabling the suit to proceed, does not confer any right to heirship or property, and the finding on the will's validity is not res judicata on the merits."*

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13. Reference is similarly made to **Varadarajan v. Kanakavalli, AIR 2020 SC 740,** highlighting that the enquiry under Order XXII Rule 5 CPC is summary in nature. Learned counsel for the appellant strongly submits that the right to compensation is an 'estate' which can be inherited. Drawing support from **Manjuri Bera v. Oriental Insurance Co. Ltd., (2007) 10 SCC 643,** and **National Insurance Co. Ltd. v. Birender, AIR 2020 SC 434,** it is contended that the class of legal representatives in motor accident claims is not confined to dependents alone.

14. Quoting **Birender (supra),** the counsel states:

> *"compensation constitutes part of the estate of the deceased and the legal representative would inherit the estate; a major, married and independently earning legal representative is nevertheless entitled to full compensation for loss of dependency, and not merely to compensation restricted to conventional heads."*

15. Advancing the argument further on the basis of Dhannalal alias Dhanraj (Dead) Thr. LRs v. Nasir Khan, 2025 INSC 1177, learned counsel submits that this case is squarely applicable to the present facts. The relevant extract from Dhannalal is reproduced:

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> *"by virtue of Section 167(5) of the Motor Vehicles Act, 1988 (inserted with effect from 1.4.2022) the right to claim compensation survives to the legal representatives of the deceased claimant/appellant; further, an enhancement that would have accrued to the claimant had he lived represents loss occasioned to his estate, and it is that loss to the estate to which the legal representatives are entitled to succeed."*

16. In the alternative, it is argued that even if the Will is kept aside, Bhanwar Singh succeeds as a Class II heir under the Hindu Succession Act, 1956. Being the brother of Antar Kuvar, he falls under Entry IX (mother's brother) of Class II of the Schedule. Since the sons died without issue and without any other surviving relatives, he is the rightful heir on intestacy. Lastly, relying on **Rukhsana v. Nazrunnisa, (2000) 9 SCC 240**, it is contended that a succession certificate is not a rigid precondition for disbursement of compensation under the Motor Vehicles Act.

CONTENTIONS OF RESPONDENTS

17. Learned counsel for the contesting respondents vehemently opposes the appeal on both locus and quantum. Learned counsel for the respondent submits that the impugned award passed by the learned Tribunal is well-reasoned, perfectly justified, and firmly rooted in the evidence led before it. It is contended that the

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Tribunal has assessed the income, applied the multiplier, and awarded conventional heads in strict conformity with the prevailing law and the facts proven on record. Therefore, there is no inadequacy in the award.

18. Regarding the entitlement of Bhanwar Singh to receive the entire compensation based on the registered Will executed by Narendra Singh, the respondent strongly objects. It is submitted that a MACT appeal is not the proper Forum to adjudicate the validity, genuineness, or execution of a Will. In support of the submissions opposing the maintainability and the relief sought, learned counsel for the respondent relies heavily upon the judicial pronouncement in **Oriental Insurance Company Ltd. v. Jagdish and others, MA 6362/2025.** It is contended that in the absence of a proper civil adjudication, the entire claim amount cannot be mechanically handed over.

ANALYSIS AND FINDINGS

19. Heard the learned counsel for the parties and carefully perused the entire record.

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20. The first issue pertains to the entitlement of Bhanwar Singh to receive the compensation amount. The record manifests a layered history that the original victim Gopal Singh died, leaving behind his wife Antar Kuvar and sons Narendra Singh and Himmat Singh. Antar Kuvar died pending the claim, and the award was passed in favour of the two sons. Pending this enhancement appeal, Himmat died on 17.09.2022. Narendra allegedly executed a Will on 22.09.2022 bequeathing his properties to Bhanwar Singh, and then died on 29.09.2022.

21. Bhanwar Singh was subsequently impleaded in this appeal vide order dated 09.04.2026 passed in I.A. No. 2132/2026. The appellant’s counsel has exhaustively argued, relying on Nalini Bai Naique, Andhra Bank, Suraj Mani, and Varadarajan, that Bhanwar Singh is a "legal representative" under Section 2(11) of the CPC. There is no quarrel with this proposition of law. A person representing the estate, even on a prima facie basis, can be impleaded to prevent the abatement of the proceedings, which this Court has already permitted.

22. Similarly, the reliance on Manjuri Bera, Birender, and Dhannalal establishes beyond doubt that the right to claim

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compensation survives the death of the original claimant. An un-quantified pending appeal for enhancement devolves upon the estate as a loss occasioned to the estate. The locus to continue the appeal is therefore well-founded in law. However, the critical question before this Court remains the actual disbursement of the compensation amount to Bhanwar Singh based on the testamentary disposition of Narendra Singh.

23. This Court is of the considered opinion that the adjudication of the genuineness, validity, and exact scope of the Registered Will dated 22.09.2022 falls exclusively within the domain of a competent Civil Court. While an impleadment under Order XXII Rule 5 CPC is summary in nature, such substitution does not confer absolute title to the property nor finally decide the validity of the Will. Therefore, in the exercise of appellate jurisdiction under the Motor Vehicles Act, this Court cannot go into the legality of the Will made by Narendra Singh.

24. The appellant's reliance on Rukhsana does not override the necessity of proving a contested Will in a proper civil forum before appropriating the estate. Conversely, in so far as the claim amount pertaining to Himmat Singh is concerned, the record clearly

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reveals that Bhanwar Singh has obtained a succession certificate. This succession certificate specifically relates to the part of Himmat Singh and was issued by a competent civil Court vide order dated 25.04.2024.

25. This certificate is a conclusive declaration of his right to collect the debts and securities mentioned therein on behalf of the deceased Himmat Singh. Accordingly, connecting the facts on record to the applicable legal principles, this Court holds that Bhanwar Singh is legally entitled to the claim and share of Himmat Singh only. For the share of Narendra Singh, the validity of the Will must be established in appropriate civil proceedings, and no direction for disbursement can be issued here.

26. Coming to the core grievance regarding the quantum of compensation, the learned counsel for the appellant has urged that the Tribunal failed to consider inflation. It is also argued that the Tribunal adopted a wrong multiplier, denied future prospects, and awarded meager conventional heads, thereby claiming an enhancement of ₹ 1,00,000/-. The Court has independently re-appreciated the evidence on record and the findings recorded by the learned Tribunal in the impugned award.

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27. An appellate Court interferes with a MACT award only when the findings are perverse, arbitrary, or contrary to settled legal principles. The accident occurred on 10.11.2017, and the assessment of income must be rooted in the documentary or cogent oral evidence available for that relevant year. The learned Tribunal, while quantifying the loss of dependency, has meticulously evaluated the evidence led by the claimants regarding the occupation and income of the deceased Gopal Singh.

28. The learned Tribunal has adequately assessed the income based on the prevailing legal standards and minimum wages for the relevant period. Furthermore, the application of the multiplier and deductions for personal expenses by the learned Tribunal are found to be in consonance with the settled principles laid down by the Hon'ble Supreme Court. Similarly, the amounts awarded under conventional heads like loss of estate and funeral expenses are based on the correct legal parameters.

29. Upon a holistic re-appreciation of the entire evidence and the reasoning adopted by the learned Member, MACT, Mandsaur, this Court finds absolutely no perversity in the order of the Tribunal. The assessment and calculation of the compensation

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have been done correctly. The sum of Rs. 2,90,000/- awarded by the Tribunal represents a just, fair, and reasonable compensation in the facts and circumstances of the case, leaving no scope for any further enhancement.

30. The grounds raised by the appellant regarding the inadequacy of the compensation are not substantiated by the evidentiary record. The compensation awarded neither suffers from the vice of unreasonableness nor from any legal infirmity. The Tribunal has taken a balanced view of the oral and documentary evidence. Therefore, the prayer for enhancement of the compensation by Rs. 1,00,000/- is devoid of merit and is liable to be rejected by this Court.

31. In view of the aforesaid detailed discussion, the findings recorded by the learned Tribunal regarding the quantum of compensation do not warrant any appellate interference. The compensation of Rs. 2,90,000/- awarded by the MACT is affirmed as just and proper. Further, the locus of Bhanwar Singh to represent the estate is affirmed, but his substantive right to receive the disbursed compensation is restricted solely to the share of the deceased Himmat Singh.

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32. Accordingly, this Court proceeds to pass the final order disposing of the present appeal. The present Miscellaneous Appeal seeking enhancement of compensation is hereby **dismissed** on merits, and the impugned award dated 18.11.2020 is confirmed. The appellant, Bhanwar Singh, is held entitled to the claim and share of the deceased Appellant No. 2, Himmat Singh only, strictly in accordance with the Succession Certificate dated 25.04.2024. So far as the direction relating to the disbursement of the compensation amount, the appeal is disposed of in the following terms :-

> *"a). The Tribunal or Executing Court is directed to disburse the share of Himmat Singh from the deposited award amount in favour of Bhanwar Singh. With regard to the share of the deceased Appellant No. 1, Narendra Singh, this Court declines to adjudicate the legality of the Will dated 22.09.2022. That portion of the awarded amount shall remain in a Fixed Deposit with a nationalized bank until an appropriate declaratory decree is obtained from a competent Civil Court."*

33. There shall be no order as to costs in this appeal, and the parties shall bear their own respective expenses.

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34. Let a copy of this judgment, along with the original record of the Tribunal, be sent back immediately to the concerned MACT for information and necessary compliance.

35. The appeal stands disposed of accordingly in the aforementioned terms.

(Jai Kumar Pillai)
Judge

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