



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1546 of 2017

Judgment Reserved on : 09/04/2026

Judgment Delivered on : 17/04/2026

Manager, Branch Office National Insurance Company Limited 13, Minu Complex, Kosabadi, District Korba, Chhattisgarh, Through Divisional Office, National Insurance Company Limited, Taha Complex, 1st Floor, Vyapar Vihar Road, Bilaspur, District Bilaspur, ChhattisgarhInsurer of Trailer No. C.G.10 C 6100,

... Appellant

versus

1 - Smt. Amrika Bai Sarthi W/o Milawan @ Khilawan Sarthi, Aged About 40 Years, R/o Near Bijli Office, Pali, Police Station and Tahsil Pali, District Korba, ChhattisgarhClaimant,

2 - Ramjan Ansari S/o Jahur Ansari, Aged About 26 Years, R/o Village Gidha, Police Station Gadhwa, District Gadhwa, Jharkhand, Presently Residing at House of Navin Singh, Suryodaya Nagar, Pali, Police Station and Tahsil Pali, District Korba, ChhattisgarhDriver of Trailer No. C.G.10 C 6100,

3 - Smt. Rakhi Singh W/o Navin Singh, Aged About 35 Years, R/o House of Navin Singh, Suryodaya Nagar, Pali, Police Station and Tahsil Pali, District Korba, ChhattisgarhOwner of Trailer No. C.G.10 C 6100,

... Respondents

For Appellant	:	Mr. Raj Awasthi, Advocate
For Respondent No.1	:	Mr. Rahil Arun Kochar and Mr. Leekesh

	Kumar, Advocates
For Respondent No.2 & 3 :	None

Hon'ble Shri Justice Radhakishan Agrawal

CAV Judgment

1. This appeal has been filed by the appellant/Insurance Company under Section 173 of the Motor Vehicles Act, 1988 against the award dated 19.07.2017 passed by the learned 4th Additional Motor Accident Claims Tribunal, District Bilaspur (C.G.) in Claim Case No.174/2013, whereby the Tribunal awarded total compensation of Rs.4,28,000/- with interest @ 8.5% per annum from 01.10.2013 (date of application) till its realization, fastening the liability upon the Non-Applicants jointly and severally. The Tribunal further held that Non-Applicant No.1, being the Insurance Company (Appellant herein) is primarily liable to pay the compensation.
2. As per the averments made in the claim petition, on 10.06.2013, at about 10:40 PM, Amrit Lal Sarthi was coming from Rainpur to his home at village Beltara on foot, at that time, when he reached in front of house of Lohar of village Jaal, the driver (Non-Applicant No.1) of a trailer bearing registration number CG-10-C-6100 (hereinafter referred to as "the offending vehicle") drove the same in a rash and negligent manner due to which the offending vehicle hit Amrit Lal, aged about 27 years (deceased hereinafter) due to which he sustained grievous injuries and died on the spot. At the time of accident, the offending vehicle was owned by Non-

applicant No.2 – Smt. Rakhi Singh and insured with Non-applicant No.3 –National Insurance Company Limited.

3. Upon the claim petition being filed by the claimant (sister of the deceased) seeking compensation to the tune of Rs. 8,50,000/-, it was, *inter alia*, pleaded that at the time of the accident, the deceased was aged about 27 years and he was working as labourer and mason. The learned Claims Tribunal, after considering the evidence adduced by the parties, passed the award as mentioned in paragraph 1 of this judgment.
4. Learned counsel for the appellant/Insurance Company (Non-Applicant No.3) submitted that the impugned award passed by the learned Claims Tribunal, fastening liability upon the appellant/Insurance Company without proper appreciation of the evidence and material available on record, is erroneous and unsustainable in law. It is further submitted that although the offending vehicle was duly insured with the appellant/Insurance Company on the date of the accident, the claimant is not entitled to receive the compensation amount. He further submitted that the claimant is a 40 years old married elder sister of the deceased, who was not dependent on the income of the deceased, as she used to reside with her husband and other family members in her matrimonial home, as such, the amount awarded under the head of dependency is unsustainable. He further submitted that at the most claimant may be entitled for compensation only under the conventional heads. Reliance has been placed on the judgment

passed by the Hon'ble Supreme Court in *SLP(C) No.2918 of 2022*, order dated 15.05.2025, *ICICI Lombard General Insurance Company Ltd. vs. Minakshi Shantilal Valand (Sharma) and Others*.

5. Learned counsel appearing for Respondent No.1/claimant submitted that the deceased died due to accident caused by the offending vehicle which was duly insured with the insurance company. He further submitted that the claimant is the legal representative of the deceased and she was dependent on the income of the deceased, therefore, she is entitled to receive the compensation as awarded by the learned Claims Tribunal. He further submitted that cross-appeal has also been filed by the claimant wherein it has been pleaded that the learned Tribunal has committed error in assessing the monthly income of the deceased to Rs.3,000/-, which should be Rs.3,300/- per month, this apart, future prospects has not been awarded. As such, the compensation awarded by the Tribunal is on lower side and the same needs to be suitably enhanced. Reliance has been placed on the judgment passed by the Supreme Court in the matter of *National Insurance Company Limited Vs. Sunita Devi & Ors. dated 08.08.2025 in Civil Appeal No.9854/2016 (2025 INSC 951)*.
6. Heard learned counsel appearing for the parties and perused the material available on record.
7. The question that arises for consideration is whether the learned Claims Tribunal was justified in awarding the compensation in

favour of the claimant, who is the married elder sister of the deceased Amrit Lal Sarthi?

8. It is not in dispute that the deceased Amrit Lal Sarthi died due to vehicular accident caused by the driver of the offending vehicle. It is also not in dispute that the offending vehicle was duly insured with the insurance company/Non-applicant No.3. Therefore, the occurrence of the accident and the involvement of the offending vehicle stand duly established.
9. Amrika Bai - claimant herein is the elder sister of the deceased, who is aged about 43 years at the time of accident. This witness in her testimony has stated that she has performed marriage and is residing with her family. She further stated that her husband used to look after and support her and her family members. She has further admitted in her cross-examination that she and her husband both are daily wage labourer and that is how her family survives. From the statement of the claimant, it appears that claimant sister is elder to the deceased, and she has already performed marriage, living with her husband in her matrimonial house and she is not dependent on the income of the deceased. In these circumstances, she being not dependent on the deceased earning, she is not entitled to receive any amount under the loss of dependency.
10. In this regard, learned Supreme Court in the matter of *Minakshi Shantilal Valand (supra)* has observed in paragraphs 6 & 7 which read as under:

“6. Having considered the matter, we find substance in the submission of learned counsel for the appellant. The fact that the insurance policies are brought by a person to cover a situation where a person may not be alive or may suffer disability which would otherwise, make him incapable of caring for his dependent family members. It is not supposed to be a windfall for siblings or other relatives who may never have been dependent on the deceased but upon death, come and claim compensation under the M.V. Act. In the present case, it is undisputed that the deceased was a bachelor and the claimant is his sister, who is married and living with her husband in the United Kingdom. Thus, she may have claim under the head of loss of filial consortium and other attended charges like funeral expenses, medical expenditure, etc., but in the considered opinion of this Court, there cannot be any claim of loss of dependency in the particular facts of the present case. If the claimant/sister of the deceased would be held responsible, it would not only initiate against the settled principles of insurance but also be contrary to the very spirit of why a person gets insured and for covering situations which in the present case are not covered.

7. Accordingly, the impugned judgment of the High Court where it awarded compensation of Rs.84,77,040/- (Rupees Eighty Four Lakhs Seventy Seven Thousand Forty) under the head of loss of dependency is set aside. However, by way of loss of filial consortium, an amount of Rs.40,000/- (Rupees Forty Thousand) is held to be payable.

Further, Rs.15,000/- (Rupees Fifteen Thousand) towards loss of estate and Rs.30,000/- (Rupees Thirty Thousand) towards funeral expenses are also required to be paid to the claimant sister of the deceased. Thus, total amount would come to Rs.40,000/- + Rs.15,000/- + Rs.30,000/- = Rs.85,000/- (Rupees Eighty Five Thousand). The same shall carry interest @8% per annum. The appellant shall pay the same if not already paid. However, having held the aforesaid, in view of the appellant having deposited the entire award amount and 10% of the said amount being ordered to be released to the concerned respondents vide order dated 03.03.2022 passed by this Court, for the ends of justice, we deem it appropriate that the matter be closed with allowing the concerned respondents to retain the amount, which was released in their favour. The remaining amount be refunded to the appellant by the Motor Accident Claims Tribunal (Main), Gandhinagar, within a period of one month along with the accrued interest thereon.”

11. Similarly, in the matter of *Sunita Devi (supra)*, the Supreme Court has held in paragraph 5.7 which reads as under:

“5.7 Depositing of the compensation amount by the Insurance Company as above could be well said to be conforming the law laid down by this Court in *Deddappa and Ors. vs. Branch Manager, National Insurance Company Limited [(2008) 2 SCC 595]* and *United India Insurance Company Limited vs. Laxmamma & Ors. [(2012) 5 SCC 234]*. The Insurance Company has deposited the 50%

amount of compensation with interest as awarded, the same is also released and the respondent-claimants have received them, in larger interest of justice to all parties, no recovery deserves to be permitted for the said amount deposited and withdrawn from the claimants. It would be not only harsh but would amount of setting the clock back.”

12. In view of the aforesaid legal position and the facts of the present case, this Court is of the considered opinion that the learned Claims Tribunal has erred in awarding compensation of Rs. 4,08,000/- towards loss of dependency in favour of the claimant. The said finding, being contrary to the settled principles of law, is liable to be set aside. However, considering that the claimant is the legal representative of the deceased, she would be entitled to compensation only under the conventional heads. The Tribunal has granted only Rs.20,000/- towards conventional heads, which in the considered opinion of this Court, is on lower side and the same needs to be enhanced suitably. Accordingly, an amount of Rs. 85,000/- is awarded towards conventional heads in place of Rs.20,000/- as awarded by the learned Tribunal and, thus, the total compensation payable to the claimant is re-assessed at Rs. 85,000/- (Eighty Five Thousand). It is further noted that, by order dated 17.05.2018 passed by this Court, it was recorded that an amount of Rs. 2,75,000/- had been deposited by the appellant-Insurance Company, and it was directed that the claimant would be entitled to withdraw the said amount. However, in light of the judgments passed in *Minakshi Shantilal Valand* and *Sunita Devi*

(*supra*), and in the interest of justice, it is deemed appropriate to close the matter by permitting Respondent No.1 (claimant) to retain the amount already released in her favour.

13. In the result, the appeal filed by the appellant – insurance company is allowed in part to the extent indicated hereinabove whereas the cross-appeal filed by the claimant is hereby dismissed.

Sd/-

(Radhakishan Agrawal)

Judge

Prakash