



2026:CGHC:19942



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**AFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1141 of 2016**

**1** - Shri Ram General Insurance Com Ltd. Insu Office 1003-E-8, Industrial Area Sitapura - Jaipur, Rajasthan Pin 302022, India, (Insurer of Truck CG. 04 J.A. 2569).

**... Appellant**

**versus**

**1** - Lachcha Muchaki S/o Late Jogi Muchaki, Aged About 35 Years R/o- Bada Badma, Patelpara, Thana- Kuakonda, Tahsil- Kuakonda, District- Dantewada, Chhattisgarh.

**2** - Nand Kishor Muchaki, S/o Jogi Muchaki, Aged About 30 Years Present Address 09 V Battalion, C.G. Special Force, Karlei, District- Dantawara, Chhattisgarh, Parmanent Address Bada Badma, Patelpara, Thana- Kuakonda, Tahsil- Kuakonda, District- Dantewada, Chhattisgarh,.....Claimants.

**3** - Nintu Kumar Vishwas, S/o Ranjeet Vishwas, Aged About 35 Years R/o- Bangali Camp Ward No. 03, Kirandul, Tahsil- Kuakonda, District- Dantewada, Chhattisgarh,.....Driver Of Truck C.G. 04 J.A 2569.

**4** - Sushain Roy, S/o Chintaharan, Aged About 38 Years R/o- Bangal Camp, Ward No 03, Kirandul, Tahsil- Kuakonda, District- Dantewada, Chhattisgarh,.....Owner Of Truck C.G. 04 J.A. 2569.

**... Respondents**

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For Appellant

: Mr. Raghvendra Verma, Adv. &  
Mr. Deepak Gupta, Adv.



For Respondents No. 3 & 4 : Mr. Vikas Patel, Adv. On behalf  
of Mr. P.K. Tulsyan, Adv.

For Respondents No. 1 & 2 : None.

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**Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.**

**Order on Board**

**(29.04.2026)**

- 1 This appeal has been filed under Section 173 of Motor Vehicles Act 1988 against the award dated 25.04.2016 passed by Second Additional Motor Accident Claims Tribunal, South Bastar Dantewara (C.G.), in Claim Case No. 409/2014 (Lacche Muchaki & Anr. **vs.** Nintu Kumar vishwas & Ors.) (herein after referred to as 'award in question') whereby a compensation of Rs.3,10,500/- with interest @ 6% per annum has been awarded in favour of the claimants for their irreparable loss.
- 2 Brief facts of the case were that on the night of 1.01.2012, Baman (deceased) was lying in the verandah of the Aftab Tyre Works shop, waiting for a bus to Kirandul. At that time, the truck bearing registration No. CG-04-JA-2569 (hereinafter referred to as the "offending vehicle) owned by Susen Rai (Respondent No. 4) and insured by Shriram General Insurance Company Limited (the Appellant), was being driven by its driver, Nintu Kumar Biswas (Respondent No. 3), in a rash and negligent manner. Consequently, the rear wheel of the offending vehicle ran over Baman's head, resulting in his death on the spot.
- 3 Baman was an unmarried young man aged 25 years who worked as a labourer. His parents had already died. Subsequently, his elder brothers, Lachha Muchaki (Respondent No. 1) and Nand Kishore Muchaki (Respondent No. 2) filed a claim for compensation under



Section 163-A of the Motor Vehicles Act. Upon hearing both parties, the Tribunal passed the impugned award, wherein the deceased Baman's age was determined to be 25 years, and his monthly income was assessed at ₹3,000/-. Given his status as an unmarried individual, a deduction of 50% was applied towards his personal expenses; thereafter, by applying a multiplier of 17, a sum of ₹3,06,000/- was calculated as compensation. Additionally, ₹2,000 was awarded for funeral expenses and ₹2,000 under the head of loss of estate, resulting in a total award of ₹3,10,500/- passed in favour of the claimants (Respondents No. 1 and 2) and against the driver, registered owner, and insurer of the offending vehicle, an award which has been challenged in the present appeal.

- 4 The learned counsel for the Appellant/Insurance Company argues that the claimants, Lachha Muchaki (Respondent No. 1) and Nand Kishore Muchaki (Respondent No. 2) are the elder brothers of the deceased, Baman. The deceased Baman himself was unmarried, whereas both claimants are not only married but were also not dependent upon the deceased. Lachha Muchaki is engaged in agricultural work, while Nand Kishore Muchaki holds the post of Assistant Constable in the Chhattisgarh Special Armed Force. Since the claimants do not fall within the category of dependents, the award passed by the Tribunal in their favour is erroneous in the eyes of the law and excessive. Therefore, the passed award ought to be set aside by allowing the present appeal.
- 5 No one appeared on behalf of the respondents No. 1 & 2 during final hearing of this case.
- 6 Learned counsel for respondents No. 3 and 4, who are, respectively, the driver and the registered owner of the



offending vehicle have denied their liability, asserting that the vehicle was insured.

- 7 Heard learned counsel appearing for parties, and the record was meticulously perused.
- 8 In this case, claimants Lacchha Muchaki and Masaram Sori have been examined on behalf of the claimants. As a claimant and the elder brother of the deceased, Lacchha Muchaki has admitted that the deceased was younger than him; while he himself engages in agricultural work, Nand Kishore Muchaki serves as an Assistant Constable in the Chhattisgarh Special Armed Force. The deceased (Baman) used to work for a contractor and would dine with him. The evidence clearly establishes that the deceased was unmarried, whereas the claimants are married and possess independent sources of income; consequently, it cannot be asserted that the deceased was entirely dependent upon the claimants.
- 9 The main question for consideration in this case is whether the claimants, Lachha Muchaki and Nand Kishore Muchaki as elder brothers, are entitled to get compensation as a result of the accidental death of their younger brother, Baman.
- 10 Under Section 166 (1) of the Act of 1988, the status of eligible persons applying for compensation has been declared, which also includes all or any of the legal representatives of the deceased, which reads as follows:-  
“**166. Application for compensation.**-(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made-  
(a) by the person who has sustained the injury; or  
(b) by the owner of the property; or  
(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or



(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be”

11 The term “legal representative” has not been defined in the Act of 1988 and the same is defined in sub-Section (11) of Section 2 of the Code of Civil Procedure, 1908, which reads follows:

“11. “legal representative” means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued;”

12 In the light of above provision, if I look at the legal status of term “legal representative” in the context of motor accident claim cases, then paragraphs-12 and 15 of the judgment rendered by Hon’ble Supreme Court in the matter of ***Manjuri Bera (Smt.) v. Oriental Insurance Company Ltd. and Another***, reported in ***(2007) 10 SCC 643*** are relevant, which are reproduced below for easy reference:-

“12. As observed by this Court in Custodian of Branches of BANCO National Ultramarino v. Nalini Bai Naique [1989] Supp (2) SCC 275 the definition contained in Section 2(11) CPC is inclusive in character and its scope is wide, it is not confined to legal heirs only. Instead it stipulates that a person who may or may not be legal heir competent to inherit the property of the deceased can represent the estate of the deceased person. It includes heirs as well as persons who represent the estate even without title either as executors or administrators in possession of the estate of the deceased. All such persons would be covered by the expression 'legal representative'. As observed in Gujarat SRTC V. Ramanbhai Prabhatbhai (1987) 3 SCC 234 a



legal representative is one who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent and child. 15. Judged in that background where a legal representative who is not dependent files an application for compensation, the quantum cannot be less than the liability referable to Section 140 of the Act. Therefore, even if there is no loss of dependency the claimant if he or she is a legal representative will be entitled to compensation, the quantum of which shall be not less than the liability flowing from Section 140 of the Act. The appeal is allowed to the aforesaid extent. There will be no order as to costs. We record our appreciation for the able assistance rendered by Shri Jayant Bhushan, the learned Amicus Curiae.”

13 Similarly, paragraph-13 of the judgment rendered by Hon'ble Supreme Court in the matter of **Gujarat State Road Transport Corporation, Ahmadabad v. Ramanbhai Prabhatbhai and Anr.**, reported in **(1987) 3 SCC 234** reads as follows:-

“13. We feel that the view taken by the Gujarat High Court is in consonance with the principles of justice, equity and good conscience having regard to the conditions of the Indian society. Every legal representative who suffers on account of the death of a person due to a motor vehicle accident should have a remedy for realisation of compensation and that is provided by Sections 110-A to 110-F of the Act. These provisions are in consonance with the principles of law of torts that every injury must have a remedy. It is for the Motor Vehicles Accidents Tribunal to determine the compensation which appears to it to be just as provided in Section 110-B of the Act and to specify the person or persons to whom compensation shall be paid. The determination of the compensation payable and its apportionment as required by Section 110B of the Act



amongst the legal representatives for whose benefit an application may be filed under Section 110-A of the Act have to be done in accordance with well-known principles of law. We should remember that in an Indian family brothers, sisters and brothers' children and some times foster children live together and they are dependent upon the bread-winner of the family and if the bread-winner is killed on account of a motor vehicle accident, there is no justification to deny them compensation relying upon the provisions of the Fatal Accidents Act, 1855 which as we have already held has been substantially modified by the provisions contained in the Act in relation to cases arising out of motor vehicles accidents. We express our approval of the decision in *Megjibhai Khimji Vira v. Chaturbhai Taljabhai*, AIR 1977 Guj 195 and hold that the brother of a person who dies in a motor vehicle accident is entitled to maintain a petition under Section 110-A of the Act if he is a legal representative of the deceased.”

- 14 In light of the aforementioned legal provisions and judicial precedents, it is evident in the case under consideration that Baman's parents had already passed away. Baman was unmarried and had no children. Thus, the two claimants, his elder brothers are his legal heirs and fall within the category of legal successors. Under these circumstances, the award passed by the Tribunal in favour of the claimants, recognising them as legal heirs, cannot be deemed illegal or erroneous.
- 15 As far as the question of the compensation amount is concerned, the position in this regard is clear that the compensation amount calculated by the Tribunal is not found to be excessive. Therefore, the second contention of the appellant that the Tribunal awarded an excessive amount in favour of the claimants is also not found to be acceptable.



- 16 On the basis of the aforesaid discussions, the conclusion reached by the Tribunal in this matter is neither contradictory nor inconsistent with the facts and evidence available on record; therefore, the arguments advanced by the Appellant in the appeal are not tenable, and no grounds are found to warrant interference with the Tribunal's award.
- 17 Accordingly, on the aforesaid grounds, since the arguments raised in the appeal are not admissible, the appeal is hereby **dismissed**.
- 18 The records of the Tribunal, along with a copy of this order be sent forthwith to the concerned tribunal for information and necessary action, if any.

Sd/-

**(Sanjay Kumar Jaiswal)**  
**Judge**

H. L. Sahu