



2026:CGHC:13760

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 328 of 2020

Branch Manager, H.D.F.C. Ergo General Insurance Company Ltd.,
Third Floor, Chawla Complex, Devendra Nagar Road, Sai Nagar,
Raipur, Tehsil & District Raipur, Chhattisgarh. Pin No.492001
(Insurer of Vehicle No.UP-95/T-0020)

... Appellant

versus

1. Ashok Yadav, S/o Meghauram. Age 39 years approx., Profession Labor
2. Smt. Nirmala Yadav, W/o Ashok Yadav, Age 36 years approx., Profession Housewife
3. Rajkumari Yadav, D/o Ashok Yadav, Age 19 years approx., Profession Study
4. Maniram Yadav, D/o Ashok Yadav, Age 13 years approx., Profession Study, Minor representing through guardian father Meghauram, S/o Sakhan Yadav
5. Meghauram Yadav, S/o Sakhan Yadav, Age 65 years approx.
6. Putri Bai, W/o Meghauram Yadav, Age 60 years approx.

All are R/o Village Agarikala, Thana Pipariya, Tehsil Kawardha,
District Kabirdham, Chhattisgarh.

(Claimants)

7. Ramlal Yadav, S/o Baburam Yadav, Age 33 years approx., Profession Driver, R/o Village Pratappur, Post Office Bilha, Thana Rajnagar, Tehsil Chhatarpur, District Chhatarpur (M.P.)
(Driver of Vehicle No.UP-95/T-0020)
8. Santosh Kumar Rawat, S/o Babulal Rawat, Age 38 years, Profession Vehicle Owner, R/o Ward No.6, Rawat Mohalla, Talab Gali, Mivari, Thana Gadhi, Malahara, District Chhatarpur (M.P.)



(Owner of Vehicle No.UP-95/T-0020)

... Respondents

For Appellant : Mr. Harshmander Rastogi, Advocate.

For Respondent No.7 : Mr. Haripreet Bajpai, Advocate on behalf of Mr. Dharmesh Shrivastava, Advocate.

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

23/03/2026

1. The appellant/Insurance Company has preferred this appeal against the impugned award dated 16-12-2019 passed by the Additional Motor Accident Claims Tribunal, Kabirdham in Claim Case No.39/2018, by which a compensation of ₹ 14,30,800/- has been awarded to the claimants/respondents No.1 to 6 herein.
2. Mr. Harshmander Rastogi, learned counsel appearing on behalf of the appellant/Insurance Company, would submit that since deceased Dhaniram Yadav (unmarried) was 18 years of age at the time of incident and the claimants are six in number, one-third ($1/3^{\text{rd}}$) of the compensation ought to have been deducted instead of one-fourth ($1/4^{\text{th}}$) towards the personal expenses in light of the decision of the Supreme Court in the matter of **Sarla Verma (Smt) and others v. Delhi Transport Corporation and another**¹ (paragraph 30).
3. None present for the claimants/respondents No.1 to 6 herein, though served.
4. Mr. Haripreet Bajpai, learned counsel appearing on behalf of the driver of the vehicle/respondent No.7 herein, would support the

¹ (2009) 6 SCC 121



impugned award and oppose the appeal.

5. I have heard learned counsel for the parties present and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
6. Having heard learned counsel for the parties present and after going through the record, though deceased Dhaniram Yadav was unmarried and looking to the number of claimants, who are six being father, mother, brother, sister, grand-father and grand-mother, the Claims Tribunal has deducted one-fourth ($1/4^{\text{th}}$) of the compensation towards personal expenses instead of one-third ($1/3^{\text{rd}}$), however, considering the amount of compensation awarded by taking the monthly income as ₹ 6,000/- which is on lower side, I do not find it a fit case for interference in the impugned award. Accordingly, the present appeal deserves to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge