



2025:CGHC:38529

SAIFAN KHAN
Digitally signed by
SAIFAN KHAN

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 369 of 2022

[Arising out of award dated 24.12.2021, passed in Claim Case No.147/2021 (Boti Podyami and others v. Shivam Nag and others) by the Motor Accident Claims Tribunal, Bastar (Jagdalpur) (CG)]

The Oriental Insurance Co. Ltd. Through Manager, Branch Office Laxman Avenue Compartment Maharani Hospital Road Jagdalpur District Bastar Chhattisgarh, Through T.P. Hub Divisional Office, Oriental Insurance Company Limited First Floor Rama Trade Centre Opposite Rajeev Plaza Old Bus Stand Road Tahsil And District Bilaspur, Chhattisgarh. (Insurance Company)

... **Appellant**

Versus

- 1** - Boti Podyami S/o Late Konda Podyami Aged About 55 Years R/o Village Gadhda Jampadar, Police Station Kodenar, District Bastar Chhattisgarh (Claimants), District : Bastar(Jagdalpur), Chhattisgarh
- 2** - Smt. Pando Bai Podyami W/o Boti Podyami Aged About 50 Years R/o Village Gadhda Jampadar, Police Station Kodenar, District Bastar Chhattisgarh (Claimants), District : Bastar(Jagdalpur), Chhattisgarh
- 3** - Mangluram Podyami S/o Boti Podyami Aged About 27 Years R/o Village Gadhda Jampadar, Police Station Kodenar, District Bastar Chhattisgarh (Claimants), District : Bastar(Jagdalpur), Chhattisgarh
- 4** - Mankuram Podyami S/o Boti Podyami Aged About 18 Years R/o Village Gadhda Jampadar, Police Station Kodenar, District Bastar Chhattisgarh (Claimants), District : Bastar(Jagdalpur), Chhattisgarh
- 5** - Shivam Nag S/o Ranjan Nag Aged About 31 Years R/o Gumda Thota Para, Tahsil Geedam, Police Station Geedam, District Dantewada, Chhattisgarh. (Driver), District : Dantewada, Chhattisgarh
- 6** - Santosh Kumar Nag S/o Krishna Nag Aged About 33 Years R/o Barsoor Ward No. 02, Police Station Geedam, District South Bastar Dantewada, Chhattisgarh. (Owner), District : Dantewada, Chhattisgarh

... **Respondents**

[Cause-title taken from Case Information System (CIS)]

For Appellant : Mr. PK Tulsyan, Advocate
For Respondents : None though served.

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

(Order on Board)

04.08.2025

1. In this appeal filed under Section 173 of the Motor Vehicle Act, 1988 (for short the "MV Act"), the appellant-Insurance Company is calling in question the legality, validity and correctness of impugned award dated 24.12.2021, passed in Claim Case No.147/2021 (Boti Podyami and others v. Shivam Nag and others) by the Motor Accident Claims Tribunal, Bastar (Jagdalpur) (CG) (for short the "MACT"), whereby the claim application filed by the respondents No.01 to 04/claimants has been allowed and compensation to the tune of Rs.17,87,312/- has been awarded to they alongwith interest @ 9% PA from the date of claim till its actual realization, which is payable by the appellant-Insurance Company herein.

2. Learned counsel for the appellant-Insurance Company would make sole submission that since the deceased was father of the claimant No.01, father-in-law of claimant No.02 and grand-father of claimants No.03 & 04, therefore, as per the decision of the Supreme Court in **Sarla Verma (Smt) and others v. Delhi Transport Corporation and another**¹ 50% (1/2) deduction ought to have been done from the income of the deceased towards personal living, whereas, the learned AMACT has deducted only 1/3 towards the same. As such, the impugned award is liable to be set aside.

¹ (2009) 6 SCC 121

3. None appeared for the respondents though served.
4. I have heard learned counsel for the appellant, considered his rival submissions made hereinabove and went through the record with utmost circumspection.
5. In order to consider the plea raised at the bar, it would appropriate to notice the judgment of Sarla Verma (supra), wherein it has been held as under:

“32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where family of the bachelor is large and dependant on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.”

6. In the case at hand, the learned MACT upon finding that the deceased was having his son, daughter-in-law and grand-children dependent upon him, deducted 1/3rd amount from his income towards personal living, which in the considered opinion of this Court is well merited under the peculiar facts and circumstances of the present case and, I do not consider it a fit case warranting interference in the impugned award, passed by the learned AMACT.
7. Accordingly, I do not find any merit in this appeal. It deserves to be and is hereby **dismissed**.

s@if

sd/-
(Sanjay K. Agrawal)
Judge