



2026:CGHC:10363



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 844 of 2016

1 - Ramjeet Sahu S/o Shri Narayan Sahu, Aged About 26 Years,
 2 - Laxman Sahu, S/o Shri Narayan Sahu, Aged About 24 Years,
 3 - Shatrughan Sahu, S/o Narayan Sahu, Aged About 20 Years,
 All are R/o Village Lohari, Police Station Podi, Tahsil Manendragarh District
 Korea, Chhattisgarh

... Appellants/Claimants

versus

1 - Lalit Kumar Sahu S/o Shri Hariram Sahu, Aged About 22 Years R/o
 Chhidouli, Police Station Patewa (Tumgaon), District Mahasamund,
 Chhattisgarh (Driver Of Alleged Vehicle No. C.G.04-ZC-1790)
 2 - Bhagwat Prasad Pandey, S/o Late Revi Prasad Pandey, R/o House No.
 84, Bitangipal, District Mahasamund, Chhattisgarh (Owner Of Alleged Vehicle
 No. C.G.04-ZC-1790)
 3 - Shriram General Insurance Company Limited Ricco Industrial Area
 Sitapur, Jaipur (Rajasthan) 302022 (Insurer Of Alleged Vehicle No. C.G.04-
 ZC-1790)

... Respondents

For Appellants	:	Mr. Shubham Tiwari and Ms. Gunja Taram, Advocate appears on behalf of Mr. Anil Gulati, Advocate
For Respondents No.1 & 2	:	None
For Respondent No.3	:	Mr. Raghvendra Verma, Advocate

Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board

27/02/2026



1. This appeal has been preferred by the claimants against the award dated 23.01.2016 passed by the First Additional Motor Accident Claims Tribunal, Manendragarh, District Koriya (C.G.), in MACT Claim Case No. 112/2014, whereby a total compensation of Rs. 50,000/- has been awarded to the claimants under Section 140 of the Motor Vehicles Act on account of the death of deceased Bharat Lal Sahu, along with interest at the rate of 7% per annum from the date of application till realization, fastening the liability upon the Insurance Company (non-applicant No. 3).
2. As per the averments made in the claim petition, on 20.01.2012 at about 6:00 a.m., the deceased, Bharat Lal, was driving vehicle No. W.B.-11-B-4422 and proceeding from Nagpur towards Kolkata on the National Highway. When he reached near Taj Farm House, Satlajtarai, the offending vehicle bearing No. C.G.-04-ZC-1790, driven by respondent No. 1 in a rash and negligent manner, dashed against the vehicle of the deceased, as a result of which he sustained grievous injuries and died on the spot. At the time of the accident, the offending vehicle was owned by non-applicant No. 2, Bhagwat Prasad Pandey, and was insured with non-applicant No. 3, Shriram General Insurance Company Limited.
3. Upon the claim petition being filed by the claimants, i.e., the brothers of the deceased, under Section 166 of the Motor Vehicles Act, seeking compensation of Rs. 75,45,000/-, inter alia, stating that at the time of the accident the deceased was about 22 years of age and was earning Rs. 15,000/- per month by working as a driver, the Tribunal, after considering the evidence adduced by both the parties, passed the



award as mentioned above.

4. Learned counsel for the appellants submits that the learned Claims Tribunal has erred in restricting the compensation to Rs.50,000/- and has failed to properly appreciate the evidence available on record with regard to the income of the deceased and the dependency of the claimants. He further submits that the claimants, being the brothers of the deceased, were dependent upon his income and therefore, the compensation awarded by the Claims Tribunal is grossly inadequate and on the lower side. He also submits that at the time of accident, the deceased was working as a driver and, even if his income is assessed on the basis of the minimum wages prevailing on the date of the accident, i.e., 20.01.2012, the same ought to have been taken at Rs.4,277/- per month. He also submits that the claimants are entitled to just and reasonable compensation under the conventional heads as well. Lastly, learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in the case of *Gujarat State Road Transport Corporation, Ahmedabad vs. Ramanbhai Prabhatbhai and another*, reported in (1987) 3 SCC 234.
5. Learned counsel for respondent No. 3/Insurance Company submits that the offending vehicle was duly insured with the Insurance Company at the time of accident and that no separate appeal has been preferred by the Insurance Company against the impugned award. He further submits that at the time of accident, the deceased was a bachelor and the claimants, who are his adult brothers, cannot be said to be dependents upon the income of the deceased. He further submits that the parents of the deceased had already passed away and the



brothers of the deceased were not financially dependent on him. He also submits that two of the claimants, namely, Ramjeet and Laxman, are married and, therefore, they cannot be treated as dependents of the deceased. Counsel for the respondent No.3 also draws attention to the admission of A.W.-1 Ramjeet Sahu in his cross-examination, wherein he stated that all the three brothers/claimants are engaged in agricultural activities and also undertake labour work, which clearly indicates that they have their own source of livelihood. On the aforesaid grounds, it is argued that the learned Claims Tribunal has rightly awarded a sum of Rs.50,000/- as compensation under Section 140 of the Motor Vehicles Act and there exists no justifiable ground for enhancement of the compensation amount. In support of his submissions, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Manjuri Bera (Smt) vs. Oriental Insurance Company Ltd. and another*, reported in (2007) 10 SCC 643, and has further submitted that the said judgment recognizes the statutory compensation of Rs.50,000/- as envisaged under Section 140 of the Motor Vehicles Act. He also submits that the judgment in *Gujarat State Road Transport Corporation, Ahmedabad (supra)*, relied upon by the appellants/claimants, has been duly considered in *Manjuri Bera (Smt) (supra)*, and therefore, the claimants are not entitled to any amount exceeding Rs.50,000/- as compensation.

6. I have heard learned counsel appearing on behalf of the parties and perused the record.
7. It is not in dispute that the deceased died in the said motor vehicular accident caused due to the rash and negligent driving of the driver of



the offending vehicle, which is duly borne out from the testimony of A.W.-1 Ramjeet Sahu, coupled with the FIR, merger intimation, post-mortem report and other documents exhibited as Ex-P/1 to Ex-P/7. It is also not in dispute that the appellants are brothers of the deceased and thus fall within the expression "legal representatives". However, entitlement to compensation under Section 166 of the Motor Vehicles Act, on the ground of loss of dependency requires proof that the claimants were financially dependent upon the income of the deceased.

8. From the testimony of claimant No. 1- Ramjeet Sahu, it is evident that he and claimant No. 2- Laxman Sahu, are adult married persons and the elder brothers of the deceased, while claimant No. 3- Satrugan Sahu, is also an adult brother of the deceased, but not married. It has further come on record that the parents of the deceased had already expired and that all three claimants are engaged in agricultural and labour work, thereby having their own independent source of livelihood. Claimant No.1- Ramjeet Sahu also admitted in his cross-examination that no documentary evidence was produced to substantiate the income of the deceased and that no salary certificate or proof of payment was filed before the Claims Tribunal. Although he stated that the deceased used to support the family, but he failed to furnish any specific particulars regarding the nature or extent of the alleged financial contribution made by the deceased. In view of the aforesaid, though the claimants, being the brothers of the deceased, would fall within the ambit of "legal representatives", as held in *Gujarat State Road Transport Corporation, Ahmedabad (supra)*, but the issue of



dependency is required to be independently proved for the purpose of claiming compensation under Section 166 of the Motor Vehicles Act.

9. Thus, from the above evidence, it is clear that all the appellants/claimants were major at the time of accident. Two of them were married. AW-1 Ramjeet admitted that they were engaged in agriculture and labour work. No material was brought on record to show that their income was insufficient for their livelihood or that they were substantially dependent upon the deceased. The assertion that the deceased used to provide financial assistance remains a general statement without particulars. There is no evidence on record with regard to the nature, quantum or regularity of the alleged contribution made by the deceased towards the claimants. Therefore, in light of the law laid down in *Manjuri Bera (Smt) (supra)*, even in the absence of proof of dependency, the legal representatives would still be entitled to compensation under Section 140 of the Motor Vehicles Act. The learned Tribunal has accordingly awarded a sum of Rs. 50,000/- under the no-fault liability provision, and in the facts and circumstances of the present case, the said award cannot be said to be illegal, arbitrary or inadequate.
10. For the foregoing reasons, this Court finds no merit in the present appeal. Accordingly, the appeal filed by the claimants, being devoid of substance, is hereby dismissed.

Sd/-

(Radhakishan Agrawal)

Judge