



2026:CGHC:3325



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 589 of 2021

1 - Smt. Birasmuni Bai W/o Late Butna Ram Aged About 50 Years R/o Village -Kulda, Post - Lodham, Tahsil And District Jashpur (Chhattisgarh)

2 - Minor Mantu Ram S/o Late Butna Ram Aged About 14 Years Minor Through Next Friend Appellant No.1 Herself. R/o Village - Kulda, Post Lodham, Tahsil And District Jashpur (Chhattisgarh)

--- **Appellants/Claimants**

Versus

1 - Vinay Kumar Jain S/o Shri Prem Kumar Jain Jindal Road Lines, Shivshakti Complex, Raigarh (Chhattisgarh), Jindal Transport Nagar, Raigarh (Chhattisgarh), R/o Gorkha, Tahsil And District - Raigarh (Chhattisgarh)

(Owner)

2 - Mitraj S/o Shubnath R/o Sardhiha Madhuriya, P.S. - Dudhi, District - Sonbhradra (Uttar Pradesh), C/o Jindal Transport Nagar, Raigarh (Chhattisgarh), R/o Gorkha, Tahsil And District Raigarh (Chhattisgarh)

(Driver)

3 - The New India Insurance Company Limited, Local Branch Office, Judev Complex, Ghamahriya Road District - Jashpur (Chhattisgarh)

(Insurer)

--- **Respondents**

And

MAC No. 814 of 2021

***** - The New India Assurance Company Limited Through Its Local Branch Office, Judev Complex, Gamhariya Road, Jashpur, District Jashpur, Chhattisgarh.

---**Appellants/Insurer**

Versus

1 - Smt. Birasmuni Bai Wd/o Late Butna Ram Aged About 50 Years R/o Village Kulda, P.O. Lodam, Tahsil And District Jashpur, Chhattisgarh.



2 - Minor Mantu Ram S/o Late Butna Ram Aged About 14 Years Minor Through His Mother Smt. Birsamani Bai (Respondent No. 1) R/o Village Kulda, P.O. Lodam, Tahsil And District Jashpur, Chhattisgarh.

(Claimants)

3 - Vinay Kumar Jain S/o Shri Prem Kumar Jain Jindal Road Lines Shivshakti Complex, Raigarh Chhattisgarh. Jindal Transport Nagar, Raigarh Chhattisgarh. R/o Gorkha, Tahsil And District Raigarh, Chhattisgarh

(Owner)

4 - Mitraj S/o Shubhnath R/o Sardiha Madhuriya, P.S. Dudhahi, District Sonbhadra (U.P.). C/o Jindal Road Lines, Shivshakti, Complex, Raigarh Chhattisgarh Jindal Transport Nagar, Raigarh Chhattisgarh R/o Gorkha, Tahsil And District Raigarh, Chhattisgarh

(Driver)

--- Respondents

For Claimants	:	Mr. Divyanand Patel, Advocate holding the brief of Mr. Rishikant Mahobia, Advocate
For Insurance Company	:	Mr. Dashrath Gupta, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

20/01/2026

1. These two appeals have been preferred against the judgment and award passed by the Motor Accident Claims Tribunal, Jashpur (C.G.) in Claim Case No. 71/2019 dated 29.07.2021, whereby the learned Claims Tribunal has granted compensation to the tune of Rs.14,70,800/- to the claimants with interest @ 6% per annum on account of death of Santu Ram.
2. The facts, in brief, are that deceased- Santu Ram was helper in Truck bearing registration No. CG-19 / H-2241 and it was dashed by the Trailer bearing registration No. CG-13 / LA-7002 on 25/05/2017. In the said accident Santu Ram sustained injuries and succumbed to death.
3. Mr. Divyanand Patel, learned counsel appearing for the claimants



would submit that at the time of accident, age of the deceased was 19 years and earning Rs.9,000/- per month. He would submit that the learned Claims Tribunal deducted 1/2 of the income for personal and living expenses of the deceased which is erroneous. He would contend that the learned Claims Tribunal should have deducted 1/3rd for personal and living expenses of the deceased according to law laid down by the Hon'ble Supreme Court in the matter of **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**.

4. On the other hand, Mr. Dashrath Gupta, learned counsel appearing for the Insurance Company would submit that the learned Claims Tribunal rightly deducted 1/2 of the income of the deceased for personal and living expenses. Mr. Dashrath Gupta has also placed reliance on the judgment passed by Hon'ble Supreme Court in the matter **Smt. Sarla Verma (supra)**.
5. In MAC No. 814/2021, Mr. Dasrath Gupta would submit that according to Aadhaar Card, which has been placed along with an application under Order 41 Rule 27 of CPC, date of birth of the deceased was 28.03.2003 and thus, on the date of accident his age was 14 years of age, but the learned Claims Tribunal placing reliance on the postmortem report considered his age 19 years and applied multiplier of 18. He would pray to allow the application under Order 41 Rule 27 of CPC and would pray to modify the award accordingly.
6. On the other hand, Mr. Divyanand Patel would submit that Unique Identification Authority of India, by way of its Circular No. 08 of 2023, has stated, that an Aadhar Card, can be used to establish identity, but it is not *per se* proof of date of birth. In this regard he has placed



reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **Saroj & Ors. Vs. IFFCO-TOKIO General Insurance Co. & Ors.** in **Civil Appeal No. 23939-23940 of 2023.**

7. I have heard learned counsel for the parties and perused the record of learned Claims Tribunal with utmost circumspection.
8. In **Smt. Sarla Verma (supra)**, the Honble Supreme Court while dealing with the issue of deduction in paragraph no. 31 held as under:-

"31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant, and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father."

9. In the present case, the deceased was bachelor and number of dependents was 02. As the deceased was bachelor and number of dependent was 02, the learned Claims Tribunal rightly deducted 1/2 income of the deceased for personal and living expenses. The contention made by Mr. Divyanand Patel cannot be accepted. Accordingly, the appeal (MAC No. 589/2021) filed by the claimants is **dismissed.**
10. In **Saroj (supra)**, the Hon'ble Supreme Court in paragraph no. 9.6 held as under:-

"9.6 We find that the Unique Identification Authority of



India, by way of its Circular No. 08 of 2023, has stated, in reference to an Office Memorandum issued by the Ministry of Electronics and Information Technology dated 20th December 2018, that an Aadhar Card, while can be used to establish identity, it is not *per se* proof of date of birth. This office memorandum dated 20th December, 2018 was taken note of by a learned Division Bench of the Bombay High Court in **State of Maharashtra v. Unique Identification Authority of India, and Ors., Criminal Writ Petition No. 3002 of 2022** in its order dated 28th July, 2023. The Circular is extracted hereinbelow for ready reference:-

F.No.HQ-13065/1/2022-AUTH-II HQ/8075
Unique Identification Authority of India
(Authentication and Verification Division)

UIDAI Headquarter
Bangla Sahib Road, Behind Kali Mandir
Gole Market, New Delhi-110 001
Dated 22.12.2023

Circular No.08 of 2023

Subject : Accepting Aadhar as a proof of Date of Birth
(DoB) – regarding.

It has been observed that AUAs/KUAs are considering and accepting Aadhar card / e-Aadhaar as one of the acceptable documents for proof of Date of Birth (DoB).

2. In this regard, it is pertinent to mention that, Aadhaar is a unique 12 digit ID issued to a resident after he/she undergoes the enrolment process by submitting his/her demographic and biometric information. Once a resident is assigned an Aadhaar number, it can be used to authenticate the resident through various modes as prescribed under Aadhaar Act, 2016 and Regulations framed there under.

3. At the time of enrolment/updation, UIDAI records DoB as claimed by the resident, on the basis of the documents submitted by them, as specified under the list of supporting documents for Aadhaar enrolment, provided on the UIDAI website (https://uidai.gov.in/images/commndoc/26_JAN_2023_Aadhar_List_of_documents_English.pdf). Further, it is to be noted that Regulations 10(4) and 19A of the Aadhaar (Enrolment and UPDATE) Regulations, 2016, mention that verification of the enrolment and update data shall be performed as provided in Schedule III.

4. In this regard, attention is drawn towards Office Memorandum dated 2-0.12.2018 issued by MeitY through UIDAI, where it has been stated that *“An Aadhaar number can be used for establishing identity of an individual subject to authentication and thereby, per se its not a proof of date of birth” (copy enclosed).*



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5. This aspect of the Aadhar Act, 2016 has been reiterated/highlighted/stressed upon by different High Courts in recent judgments. The most recent one is given by the Hon'ble High Court of Bombay, in the case of *State of Maharashtra V/S Unique Identification Authority of India And Ors. dated 28.07.2023 (copy enclosed)*.

6. In view of the above, it is required that use of Aadhaar, as a proof of DoB needs to be deleted from the list of acceptable documents.

7. This issues with the approval of the Competent Authority.

Encl: As above.

(Sanjeev Yadav)

Director

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(Emphasis supplied)

11. The Hon'ble Supreme Court has categorically held that Aadhar Card can be used establish identity, but it is not a proof of date of birth. The learned Claim Tribunal rightly placed reliance on the postmortem report and considered age 19 years.
12. Taking into consideration the findings recorded by the learned Claims Tribunal and the law laid down by the Hon'ble Supreme Court in the matter of **Saroj (supra)**, I do not find much force in the argument advanced by Mr. Dashrath Gupta. Accordingly, the appeal (MAC No. 814/2021) filed by the Insurance Company is also **dismissed**.
13. In the result, both the appeals are **dismissed**.

Sd/-

(Rakesh Mohan Pandey)
Judge