



2026:CGHC:18411



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1886 of 2018**

1 - The Oriental Insurance Company Limited Divisional Office No. 1, Jail Road, Madina Building, Raipur, District Raipur Chhattisgarh. (N.A. No.3).

--- Appellant**versus**

1 - Dukhilal Bhoi (Died And Deleted) As Per Hoble Court Order Dated 28-11-2025.

2 - Smt. Rama Bhoi W/o Dukhilal Bhoi, Aged About 55 Years R/o Ward No. 1, Toshgaon, P.S. Basna, District Mahasamund Chhattisgarh (Claimant).

3 - Ajay Singh Chouhan S/o Shri Indradev Singh Chouhan, Aged About 32 Years R/o Village Tandwa, P.S. Mohanpur, District Gaya (Bihar), Presently Residing At Transport Nagar, Tatibandh Chowk, Raipur, District Raipur Chhattisgarh. (N.A. No.1).

4 - Khajan Singh R/o 156/5C/5D B.T. Road, Block H, Kolkatta 700108 (W.B.). (N.A.No.2), District : Kolkata, West Bengal

--- Respondents**MAC No. 1884 of 2018**

1 - The Oriental Insurance Company Limited Divisional Office No. 1, Jail Road, Madina Building, Raipur, District Raipur Chhattisgarh. (N.A.No. 3), District : Raipur, Chhattisgarh

--- Appellant**Versus**



- 1 - Dukhilal Bhoi (Died And Deleted) As Per Court Order Dated 28-11-2025.
- 2 - Smt. Rama Bhoi W/o Dukhilal Bhoi, Aged About 55 Years R/o Ward No. 1, Toshgoan, P.S. Basna, District Mahasamund Chhattisgarh (Claimant).
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- 4 - Khajan Singh R/o 156/5C/5D B.T. Road, Block H, Kolkata 700108 (W.B.). (N.A.No.2), District : Kolkata, West Bengal

--- Respondents

(Cause title downloaded from CIS periphery)

For Appellant – Insurance Company	: Mr. Hanuman Prasad Agrawal, Advocate
For Respondent -Claimants	: Ms. Vidhi Matlani, Advocate appears on behalf of Mr. Sanjay Agrawal, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

22/04/2026

1. Since both appeals arise out of the same motor accident, in which, husband Sunder Mani Bhoi and his wife -Manjulata Bhoi died, the arguments in both appeals were heard analogously and are being decided by this common order.
2. Vide award dated 31.07.2018 passed in MAC Case No.760/2016, the learned First Additional Motor Accident Claims Tribunal (henceforth referred to as "Claims Tribunal") awarded a sum of Rs.7,80,000/- in favour of the claimants (parents of deceased Sunder Mani Bhoi).
3. Vide award dated 31.07.2018 passed in MAC Case No.759/2016, the Claims Tribunal awarded compensation of Rs.7,46,800/- in favour of the claimants on account of death of Manjulata Bhoi, who was daughter-in-law (Bahu) of the claimants.
4. Facts of the case, as projected by the appellant- Insurance company,



in brief, are that on 14.02.2016 at about 4:30 pm, Sunder Mani Bhoi was travelling along with his wife Manjulata Bhoi on a motorcycle bearing registration No.CG-06/K1094. When they reached Village Boharpara on National Highway No.53, the offending truck bearing registration No.WB-23-C-8775 (hereinafter referred to as “offending vehicle”), driven by respondent No.3 -Ajay Singh Chouhan, owned by respondent No.4 -Khajan Singh, and insured by the appellant - Insurance Company, dashed into the motorcycle driving by Sunder Mani Bhoi. It is alleged that the offending vehicle was driven by driver in a rash and negligent manner. As a result of the accident, both Sunder Mani Bhoi and his wife Manjulata Bhoi died on the spot. An FIR was lodged by police. Charge sheet was filed against the driver of offending vehicle under Section 304 A of the India Penal Code, 1860 (for short “IPC”). The claimants, being the parents of deceased Sunder Mani Bhoi and the parents-in-law of deceased Manjulata Bhoi, filed two separate claim applications under Section 166 of the Motor Vehicle Act, 1988 (henceforth referred as “MV Act”), claiming compensation to the tune of Rs.26,50,000/- and Rs.24,50,000/- respectively.

5. Respondent Nos.3 & 4 remained ex parte before the Claims Tribunal. The appellant -Insurance Company filed its reply denying all substantive pleadings of the claimants and contended that the driver of the offending vehicle did not possess a valid and effective driving license at the time of accident.
6. After recording the evidence adduced by the parties, the Claims Tribunal passed the awards as stated in preceding paragraph Nos.2 & 3.



7. Learned counsel for the appellant -Insurance Company would submit that an investigation was conducted by investigator of Insurance company. At that time, driving licence No.3091/TSG/PROF of driver Ajay Singh Chouhan was received to him. The said driving licence was issued by the Transport Office, Tuensang Nagaland. Upon verification, the District Transport Officer, Tuensang Nagaland, reported that the aforesaid driving license had not been issued from their office. This fact was also proved by William Joseph, Assistant Grade-II (NAW-1) of the aforesaid office, whose statement was recorded in Commission. It is further submitted that the Claims Tribunal has declined to accept Insurance Company's contention that driver was driving offending vehicle without having any valid licence only on the ground that another licence, i.e., No.JH01/2012/0014727 (seized vide Ex.P-9) had not been verified by the Insurance Company. Learned counsel further submitted that the Insurance Company has filed application (Annexure A-3) under Order 16 Rule 1 (3) of the Civil Procedure Code (for short "CPC") to summon the Investigating Officer, Mr. SL Saha (ASI), along with the seized driving licence of driver Ajay Singh Chouhan, but the same was rejected by the Claims Tribunal. He further submits that since the driver of offending vehicle possessed two driving licences - one proved invalid and the other not verified - the Claims Tribunal ought to have held that driver was not having a valid and effective driving licence at the time of accident. Therefore, liability should not have been fastened upon the Insurance company. Hence, learned counsel submits that both appeals be allowed exonerating appellant - Insurance company from payment of compensation.

7.1 Learned counsel for the appellant Insurance company, in



Appeal No.MAC/1886/2018, further submitted that deceased Manjulata Bhoi was daughter-in-law of claimants. It was neither pleaded nor proved that the claimants were dependent upon her. Since Manjulata Bhoi died issueless and her husband also died in the same accident, therefore without any cogent reason, the claimants (parents-in-law) cannot be considered dependents upon her, therefore they are not entitled to get any compensation on account of death of their daughter-in-law. Hence, he prays that award passed by the Claims Tribunal in favour of the claimants in MAC Case No.759/2016 be set aside.

8. In reply, learned counsel for the respondent-claimants supported both the impugned awards passed by the Claims Tribunal.
9. Heard learned counsel for the parties and perused the material available on record.
10. The Insurance company verified alleged driving licence No.3091/TSG/PROF and proved through William Joseph, Assistant Grade-II (NAW-1) that it was not issued by the Transport Office, Tuensang Nagaland. He has also proved Ex.D(1) certifying aforesaid fact, but the Insurance company failed to establish that from whom the said driving licence was received. The contention that it was provided by driver of the offending vehicle Ajay Singh Chouhan to Investigator of the Insurance company, has not been proved by examining the investigator. Neither the investigation report was filed nor proved. Therefore, in considered opinion of this Court, the Claims Tribunal has not committed any error in disbelieving the contention of the Insurance company and not accepting the aforesaid evidence.
11. As per seizure memo Ex.P-9, driving licence No.JH01/2012/0014727



was seized from Ajay Singh Chouhan, who was driver of the offending vehicle, but that licence was not got verified by the Insurance company, and there is no evidence on record to held proved that the said licence was invalid or not effective. On the contrary, as per seizure memo Ex.P-9, it was valid from 04.05.2012 to 03.05.2018. Though application (Annexure P-3) filed by the appellant -Insurance company to summon the Investigating Officer, Mr. SL Saha (ASI), along with seized driving licence, was rejected, but in absence of verification report, such evidence would not have been helpful to the Insurance company. The proper course was to get verified the licence, which was not done by it. Therefore, this Court does not find any infirmity or illegality in rejecting the application (Annexure A-3) filed by the Insurance company.

12. In view of the above, it is held that the Claims Tribunal did not commit any error in fastening liability upon the appellant -Insurance company to pay amount of compensation to the claimants.
13. Undisputedly, Manjulata Bhoi, who was deceased of MAC Case No.759/2016, was daughter-in-law (Bahu) of the claimants. Her husband Sunder Mani Bhoi also died in same accident. They were said to be issueless. However, no specific pleadings or evidence were produced by the claimants to show their dependency on their daughter-in-law.
14. Since the claimants are parents-in-law of deceased Manjulata Bhoi and no specific fact has been pleaded or proved by them to record the finding that they were dependent upon their daughter-in-law in any manner, therefore the compensation granted in favour of the claimants/respondent Nos.1 & 2 by the Claims Tribunal to the tune of



Rs.7,46,800/- is not found to be sustainable. However, since the deceased Manjulata Bhoi was daughter-in-law of the claimants, it cannot be denied that, on account of her untimely death, the claimants were deprived of her services and contribution to the family. Therefore, although the claimants are not entitled to get compensation on the basis of dependency, but they are entitled to get compensation under the head of loss of estate. As such, it would be appropriate to award compensation on account of the death of their daughter-in-law Manjulata Bhoi only on the head of loss of estate. Hence, the impugned award dated 31.07.2018 passed by the Claims Tribunal in MAC Case No.759/2016 deserves to be modified, as such the claimants are held entitled to get compensation to the extent of Rs.50,000/- only. The aforesaid award is modified accordingly.

15. So far as the calculation of compensation in respect of deceased Sunder Mani Bhoi is concerned, his income has been assessed at Rs.5,000/- per month, and total compensation of Rs.7,80,000/- was awarded in various heads.
16. Having considered the age, i.e., 40 years of deceased, it cannot be held that the amount of compensation granted in favour of the claimants on account of death of their son Sunder Mani Bhoi deserves any interference of this Court.
17. As a result, the award dated 31.07.2018 passed by learned Claims Tribunal in MAC Case No.759/2016 is modified to the extent indicated in paragraph 14, i.e., claimants are entitled only to get compensation of Rs.50,000/- only on account of the death of their daughter-in-law Manjulata Bhoi. However, the Claims Tribunal has not committed any error in passing the award dated 31.07.2018 in MAC



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Case No.760/2016; hence, the same is upheld.

18. Accordingly, both the miscellaneous appeals are disposed of.
19. Pending interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-

(Naresh Kumar Chandravanshi)

JUDGE

Rukhsar