



CGHC010029222025



2026:CGHC:41896

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 217 of 2025**

1 - Smt. Sevati Yadav W/o Late Ramesh Kumar Yadav Aged About 40 Years Resident Of Villae Dondro, Sanjay Nagar, Post And Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh.

2 - Minor Vikas S/o Late Ramesh Kumar Yadav Aged About 14 Years Minor, Represented By Her Natural Guardian Mother Smt. Sevati Yadav W/o Late Ramesh Kumar Yadav (Appellant No. 1) Resident Of Villae Dondro, Sanjay Nagar, Post And Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh.

3 - Minor Moon Yadav S/o Late Ramesh Kumar Yadav Aged About 9 Years Minor, Represented By His Natural Guardian Mother Smt. Sevati Yadav W/o Late Ramesh Kumar Yadav (Appellant No. 1) Resident Of Villae Dondro, Sanjay Nagar, Post And Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh.

4 - Nanhu Ram S/o Late Shri Hari Ram Yadav Aged About 69 Years Resident Of Villae Dondro, Sanjay Nagar, Post And Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh.

5 - Smt. Shanta Yadav W/o Nanhu Ram Yadav Aged About 69 Years Resident Of Villae Dondro, Sanjay Nagar, Post And Police Station Balco Nagar, Tehsil And District Korba, Chhattisgarh.

... Appellants**versus**

1 - Dev Prasad Panika S/o Shri Rup Narayan Panika Aged About 33 Years R/o Hs. No. 25/11, Balco Nagar, Tehsil And District - Korba, Chhattisgarh.

2 - Anurag Vishnudut Tiwari S/o Shri Vishnudut Tiwari Aged About 47 Years R/o Qtr. No. Nd-19, Sector -1, Balco Nagar, Tehsil And District - Korba, Chhattisgarh.

3 - Branch Manager, H.D.F.C. Ergo General Insurance Company Limited. Branch Office - Leela Business Part, 6th Floor, Andheri - Kurla Road, Mumbai, Pin Code 400059, Maharashtra.

... Respondents

For Appellants	:	Mr. Nishant Swarnkar, Adv.
For Respondents No. 1 & 2	:	Notice remained unserved.
For Respondent No. 3	:	None, though served.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board
(26.09.2026)

1. Heard on I.A. No. 01/2025, application for condonation of delay.
2. Upon due consideration and for the reasons mentioned in the application, I.A. No. 01/2025 is allowed and delay of 127 days in filing the instant appeal is condoned.
3. Also heard on admission.
4. This is the claimants' appeal for enhancement against the award dated 1306.2024 passed by the learned 2nd Additional Motor Accident Claims Tribunal, Korba, District - Korba (C.G.) in Motor Accident Claim Case No. 127/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.20,31,000/- as compensation for the death of Ramesh Kumar Yadav (46-years-old) who died in a road accident which took place on 08.04.2021.
5. Learned counsel for the appellants submits that the Tribunal erred in deducting the income of the deceased towards personal and living expenses. Given that the total number of dependents/claimants is 5 (five), the appropriate deduction for personal and living expenses ought to be 1/5th instead of 1/4th. Accordingly, it is prayed that the appeal be allowed, and the compensation be recalculated and enhanced proportionately.

6. I have heard learned counsel appearing for the appellant and perused the record of the Tribunal including award impugned.
7. After scrutinising the evidence on record, the Tribunal held that the accident was caused by the rashness and negligence of the driver, Dev Prasad Panika, respondent No. 1, while driving an SUV bearing registration No. GJ-14-AA-5451, owned by Anurag Vishnudut Tiwari/respondent No. 2 and insured by respondent No.3. The deceased, Ramesh Kumar (46 years old), sustained grievous injuries in the said accident dated 08.04.2021 and succumbed to the injuries. The claimants contended that the deceased was working as a contract worker and earning Rs. 12,000/- per month. The Tribunal, considering the original pay slip Ex.P-8 of deceased Ramesh Kumar Yadav and the entry pass Ex. P-9, which were issued in the name of the deceased by Raju Engineering, the named contractor, assessed the income of the deceased as Rs. 12,000/- per month. Further, the tribunal found that Sevati Yadav (AW-1) admitted in her cross-examination that the deceased did not provide any financial support to the appellants. She stated that her father-in-law, Nanhuram Yadav/appellant No. 4, was an employee of BALCO and the household expenses are being met from his pension. In view of the said evidence, the Tribunal found that appellant No. 4, father of the deceased, was not dependent on the deceased and the other 4 (four) persons were found dependent and while calculating the compensation 1/4th deduction was made for personal and living expenses.
8. On careful consideration of the material on record, this Court finds that as per established legal benchmarks, specifically the landmark rulings in **Sarla Verma v. Delhi Transport Corporation ((2009) 6 SCC 121)** and **National Insurance Co. Ltd. v. Pranay Sethi ((2017) 16 SCC 680)**, where the number of dependent family members is 4 to 6, the standard deduction towards personal and living expenses is 1/4th, whereas a 1/5th deduction applies only when dependents exceed 6.

9. In the present case, the total number of claimants is 5 (five), not more than 6 (six); the Tribunal has rightly applied the 1/4th deduction in accordance with the settled position of law. Consequently, this Court finds no illegality, perversity, or material infirmity in the impugned award warranting any interference.
10. Accordingly, the appeal of the appellant is hereby **dismissed** at the admission stage itself.

Sd/-
Sanjay Kumar Jaiswal
Judge

H.L. Sahu