

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 290 of 2011**

Smt. Rukmain Bai @ Rukmani Bai (Since dead)

Through: L.R.'s Smt. Ram Bai, Age 48 years, W/o. Shri R.R. Vishwakarma, By Caste Lohar, R/o. Village Parri, Police Station, Post and Tahsil Surajpur, District Surguja Chhattisgarh

(Sister of Rukmani)

**---- Appellant****Versus**

1. Smt. Sheela Devi, Age 47 years, W/o. Late Shri Dwarika Prasad,
  2. Ravi Kumar S/o Late Shri Dwarika Prasad, Age 25 years,
  3. Rakesh Kumar S/o Late Shri Dwarika Prasad, Age 23 years,
  4. Ku. Aasha D/o Late Shri Dwarika Prasad, Age 19 years,
  5. Ku. Pooja, Age 15 years, D/o. Late Shri Dwarika Prasad,
  6. Arun Kumar S/o Late Shri Dwarika Prasad, Age 13 years,
  7. Jukmaniya W/o Late Jageshwar Vishkarma, Age 78 years,
- Respondent No. 5 & 6 are Minor being represented by appellant No.1 mother in relation.
- All are R/o Nawgaie, Police Chowky- Basdeie, P.S. And Tahsil Surajpur, Dist. Surguja Chhattisgarh
8. National Insurance Co. Ltd. Through The Branch Manager, Seedhi, District Seedhi, M.P.
  9. Ram Prasad Sahu S/o Ramcharitar Sahu, Age 46 years, R/o. Village Sukhari Tola, Mada, P.S. And Post Mada, Seedhi, District Seedhi, M.P.
  10. Om Prakash Yadav Age 27 years, S/o Ramjiwan Yadav, R/o Village Chatouli, P.S. And Post Mada, Seedhi, District Seedhi, M.P.

**----Respondents**

|                       |   |                                                                   |
|-----------------------|---|-------------------------------------------------------------------|
| For Appellant         | : | Mr. R.K. Pali, Advocate<br>(Amicus Curiae appointed by the Court) |
| For Insurance Company | : | Mr. B.N. Nande, Advocate                                          |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****10/01/2018**

1. None appears for the appellant. Since there was no representation made by the appellant, this Court thought it fit for taking the assistance of Mr. R.K. Pali, Advocate for disposal of the appeal as the appeal is of the year 2011.

2. The present is an appeal by the wife of the deceased- Dwarika Prasad Vishwakarma challenging the award dated 04.02.2010, passed by the 1<sup>st</sup> Additional Motor Accident Claims Tribunal, Surajpur, Chhattisgarh, in Motor Accident Claim Case 09/2008.
3. Vide the said impugned award the Tribunal has awarded a compensation of Rs.9,00,000/- with interest @9% per annum from the date of application.
4. The contention of the appellant was that she was a first wife of the deceased and that she was in fact entitled for compensation and she had also a succession certificate in her favour, on the basis of which she is claiming compensation.
5. Perusal of the record would show that pending the appeal before this Court, the appellant Smt. Rukmani Bai has expired and she is being represented through a legal representative Smt. Ram Bai, aged 48 years, wife of one R.R. Vishwakarma.
6. Given the facts and circumstances of the case, since the wife herself has since expired, the issue of apportionment of the compensation does not remain any further, nor is there any pleading to show that the legal representative who has been brought on record in place of the appellant late Rukmani Bai was in any manner either related to the deceased or was directly dependent on the deceased, so as to get the apportionment of the compensation awarded.
7. In the given facts and circumstances of the case, this Court is of the opinion that no case is made out calling for an interference with the impugned award at this stage. The appeal thus stands rejected.

8. This Court extends a word of appreciation to Mr. R.K. Pali, Advocate for assisting the Court in disposal of the appeal.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Ved