CGHC010207542023 2026:CGHC:45529

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1059 of 2023

Rohit Kumar S/o Late Sukhiram Aged About 25 Years Resident Of Village Ganjaipali, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh At Present Resident Of Dadarnala, Near Shiv General Store, Dadarkhurd, Chowki Manikpuri Tahsil And District Korba (Chhattisgarh)...(Claimant)

BHOLA NATH KHATAI Digitally signed by BHOLA NATH KHATAI Date: 2026.10.29 13:51:50 +0530

--- **Appellant(s)**

versus

1 - Om Prakash Choudhary S/o Lal Prasad Choudhary Aged About 56 Years, Resident of Gajanan Nagar, Bhagwan Nagar, Omkar Chowk, Nagpur (Urban) (Maharashtra) at present Barigaon, P.S. Khalilabad, District Satakbir Nagar (U.P.)

2 - Satvinder Singh S/o Charan Singh Ghotra Resident Of Khairi, Tahsil Kamati, District Nagpur (Maharashtra)

3 - The New India Asurance Company Ltd. Through Division Manager, The New India Insurance Company Ltd. Office - Sada Complex, Near Taxi Stand, T. P. Nagar, Korba, Tahsil And District Korba (C.G.)

--- **Respondent(s)**

MAC No. 1064 of 2023

Rohit Kumar S/o Late Sukhiram Aged About 25 Years R/o Village Ganjaipali, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh, District Raigarh Chhattisgarh At Present R/o

Dadarnala, Near Shiv General Store, Dadarkhurd, Chowki Manikpuri Tahsil And District Korba (Chhattisgarh)

---Appellant(s)

Versus

1 - Om Prakash Choudhary S/o Lal Prasad Choudhary Aged About 56 Years R/o Gajanan Nagar, Bhawan Nagar, Omkar Chowk, Nagpur (Urban) (Maharashtra) At Present Barigaon, P.S. Khalilabad, District Satakbir Nagar (U.P.)

2 - Satvinder Singh S/o Charan Singh Ghotara, R/o Khairi, Tahsil Kamati, District Nagpur (Maharashtra)

3 - The New India Asurance Company Ltd. Through Division Manager, The New India Insurance Company Ltd. Office Sada Complex, Near Taxi Stand, T.P. Nagar, Korba, Tahsil And District Korba (C.G.)

--- **Respondent(s)**

For Appellant(s)	**:**	Mr. A. L. Singhroul, Advocate
For Respondent No.3	**:**	Mr. B. N. Nande, Advocate, with Ms. Anjali Nayak, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(28.10.2026)

1. Heard on admission.

2. Since both the appeals arise out of the same accident and involve common questions of fact, they are being heard and decided together by this common judgment.

3. Both the appeals under Section 173 of the Motor Vehicles Act, 1988, have been preferred by the appellant/claimant, Rohit Kumar, challenging the award dated 13.04.2023 passed by the First Additional Motor Accident Claims Tribunal, Korba, District Korba (C.G.), in Motor Accident

Claim Cases No. 67/2018 and 68/2018, whereby the claim petitions filed under Section 166 of the MV Act, seeking compensation on account of the death of Jagdish Sidar and Smt. Rambai, in a motor vehicle accident that occurred on 17.03.2018, have been dismissed.

4. Both the appeals have been preferred against the dismissal of the respective claim applications. The deceased Jagdish and Rambai, who are the subjects of the two appeals, were husband and wife. The appellant/claimant, Rohit Kumar, filed both the claim applications, claiming himself to be the adopted son of the deceased Jagdish and Rambai.

5. Learned Tribunal, after appreciating the evidence available on record, in paragraphs 21 to 26 of the impugned awards, has recorded a finding that the appellant/claimant Rohit Kumar failed to establish that he was the adopted son of the deceased or that he was dependent upon them.

6. The appellant/claimant (A.W.1), in his cross-examination, admitted that his biological father was Sukhiram Sidar and his biological mother was Bhagwati Bai. He further admitted that his father, Sukhiram, died in the year 2000, whereas his mother, Bhagwati Bai, is still alive. He also stated that he, his elder brother and his mother reside together in the same house at Village Ganjaipali, Tehsil Dharamjaigarh. The claimant admitted that the photocopy of his Aadhaar Card, exhibited as Ex. D-1, mentions the name of his father as Sukhiram Sidar. He further admitted that the name of his father is recorded as Sukhiram in all his educational documents as well as in his voter identity card. No government record has been produced in which the name of deceased Jagdish Sidar is recorded as his father.

7. The appellant/claimant, in paragraph 15 of his cross-examination, further admitted that neither his biological father nor his mother had executed any deed of adoption in respect of the deceased Jagdish Sidar and Rambai. He voluntarily stated that when he was about 9–10 years old, his childless uncle, Jagdish Sidar, had taken him with the intention of bringing him up. However, no adoption deed or other documentary evidence has been produced to establish that the appellant/claimant was legally adopted by the deceased couple nor has any government record been produced in which the deceased Jagdish Sidar and Rambai have been recorded as his parents.

8. In paragraph 16 of his cross-examination, the appellant/claimant admitted that Jagdish Sidar and Rambai were his uncle and aunt. The post-mortem reports of deceased Jagdish Sidar and Rambai also describe the appellant/claimant as their nephew. In paragraph 17 of his cross-examination, he further admitted that no court had declared him to be the son of Jagdish Sidar and Rambai. It has also come in evidence that the deceased couple had their voter identity cards, Aadhaar Cards and ration card, but the name of the appellant/claimant does not find place in their ration card. In view of the aforesaid evidence, the Tribunal has held that the appellant/claimant failed to establish that he was the adopted son of the deceased couple so as to claim compensation on that basis.

9. The Tribunal has further recorded a finding that the appellant/claimant failed to establish his dependency upon the deceased. In his cross-examination, he admitted that he was not residing with the deceased Jagdish Sidar and Rambai. He was engaged in agricultural activities, was

married in the year 2014, and was maintaining himself and his wife from his own earnings. In view of these admissions, the Tribunal held that the appellant/claimant was capable of earning his livelihood. Thus, the Tribunal concluded that the appellant/claimant had failed to establish either his status as the adopted son of the deceased couple or his dependency upon them and, accordingly, dismissed both the claim petitions.

10. Having considered the evidence available on record, particularly the admissions made by the appellant/claimant in his cross-examination, this Court finds that the appellant/claimant has failed to establish that he was adopted by the deceased couple, namely, Jagdish Sidar and Rambai. He has also failed to establish that he was dependent upon the deceased couple. Accordingly, no ground for interference with the impugned awards is made out.

11. In view of the foregoing discussion, this Court is of the considered opinion that the Tribunal has committed no illegality or infirmity, either in law or on facts, in dismissing both the claim applications.

12. Consequently, both the appeals, being devoid of merit, are **dismissed** at the admission stage. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai