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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2396 of 2026

1 - Smt. Nayami Toppo Wd/o Late Kamil Toppo, Aged About 32 Years, R/o 9/45, Vidyut Colony, Hirapur, Ward No. 40, Kotra Marg, Raigarh, District - Raigarh (C.G.) Presently Residing At C/o Rajkumar Yadav, S/o Chandrashekhar Yadav, Gali No. 2, Paras Nagar, Devendra Nagar, Raipur, Tehsil And District - Raipur (C.G.).

2 - Basanti Toppo W/o Jai Masih, Aged About 50 Years R/o 9/45, Vidyut Colony, Hirapur, Ward No. 40, Kotra Marg, Raigarh, District - Raigarh (C.G.) Presently Residing At C/o Rajkumar Yadav, S/o Chandrashekhar Yadav, Gali No. 2, Paras Nagar, Devendra Nagar, Raipur, Tehsil And District - Raipur (C.G.).

3 - Adraeelsan Toppo S/o Late Prafulla Toppo Aged About 7 Years Minor Through Aunt Smt. Nayami Toppo R/o 9/45, Vidyut Colony, Hirapur, Ward No. 40, Kotra Marg, Raigarh, District - Raigarh (C.G.) Presently Residing At C/o Rajkumar Yadav, S/o Chandrashekhar Yadav, Gali No. 2, Paras Nagar, Devendra Nagar, Raipur, Tehsil And District - Raipur (C.G.).

4 - Royalson Toppo S/o Late Prafulla Toppo Aged About 7 Years Minor Through Aunt Smt. Nayami Toppo R/o 9/45, Vidyut Colony, Hirapur, Ward No. 40, Kotra Marg, Raigarh, District - Raigarh (C.G.) Presently Residing At C/o Rajkumar Yadav, S/o Chandrashekhar Yadav, Gali No. 2, Paras Nagar, Devendra Nagar, Raipur, Tehsil And District - Raipur (C.G.).

... Appellants

versus

1 - Ashfaq Khan S/o Kadar Khan, Aged About 30 Years R/o Ward No. 44, Near Masjid, Kashi Ram Nagar, Telibandha, Teshil And District - Raipur (C.G.) - Driver.

2 - Sarita Shambharkar Rane Wd/o Late Ravi Rane, R/o 51/750, Davda Colony, Pachpedi Naka, Raipur, Teshsil And District - Balod (C.G.) - Owner.

3 - Tata A.I.G. General Insurance Co. Ltd., Through - Authorised Officer, At - 1st Floor, 106-107, Walfort Ozone, Near Fafadih Chowk,

Raipur, District - Raipur (C.G.). Pin - 492001 Address No.2 - T.I. Mall, 2nd Floor, Building No. 9/1, Behind Khandelwal Motors, M.G. Road, Adjoining, Indore (Madhya Pradesh) Pin - 452001 – Insurer.

... Respondent(s)

For Appellants	:	Mr. Vedant Bhelonde, Advocate
For Respondents	:	------

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

(27.10.2026)

1. Heard on admission.

2. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the appellants/claimants challenging the award dated 30.07.2026 passed by learned Motor Accident Claims Tribunal, Raipur (CG) in Motor Accident Claim Case No. 591/2024, whereby the Tribunal has awarded a total compensation of Rs.1,00,88,160/- on account of the death of Kamil Toppo, who succumbed to the injuries sustained in a motor vehicle accident that occurred on 26.12.2023.

3. Learned counsel appearing for the appellants submits that the Tribunal has erred in not considering appellants No. 3 and 4, who are the nephews of the deceased, as his dependants. It is further submitted that the deceased was taking care of the said nephews, as their father had already passed away, and that they were residing with the deceased. He, therefore, contends that, in view of the four claimants, the deduction towards the personal and living expenses of the deceased ought to have been made at the rate of 1/4th instead of 1/3rd. It is further submitted that appellants No. 3 and 4 are also entitled to compensation under the head of loss of consortium.

4. Heard learned counsel for the appellant and perused the record with due care and circumspection.

5. Since the nephews of the deceased do not fall within the category

of Grade-I legal heirs, the Tribunal was justified in not treating them as dependants of the deceased and in not awarding any compensation in their favour. Hence, the finding recorded by the learned Claims Tribunal in this regard is just and proper and does not call for any interference by this Court.

6. Upon an overall consideration of the evidence available on record this Court is of the considered opinion that the compensation awarded by the Tribunal is just, fair and reasonable and does not warrant any interference.

7. Consequently, finding no merit in the present appeal, the same is hereby **dismissed** at the admission stage.

8. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

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