



1

MA-3464-2012

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 17th OF SEPTEMBER, 2025MISC. APPEAL No. 3464 of 2012*SMT. SAROJ AND OTHERS**Versus**RAJENDRA PRASAD PATEL AND OTHERS*

.....
Appearance:

*Shri Pradeep Patel - Advocate for the appellants.**Shri Uma Shankar Tiwari - Advocate for respondent No.3.*
.....

ORDER

This miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988, has been preferred by the appellants/claimants being aggrieved with award dated 30.08.2012 passed by Additional Motor Accident Claims Tribunal, Amarpatan, in Case No.34/2021 rejecting the claim preferred by present appellants, however, awarding compensation in favour of respondent No.4 who is the father of deceased- Ramakant Patel.

2. Facts of the case in brief are that on 08.12.2010 in the evening, the deceased- Ramakant Patel accompanied by his friend- Dileep @ Ramanuj, was going towards the house of deceased, on the way, their motorbike was dashed by one Bolero Jeep bearing Registration No.MP-19-DA-0178 being driven by respondent No.1 in rash and negligent manner, resulting into serious injuries to the deceased and subsequently, his death during treatment. The respondent No.2 is the owner of offending vehicle, which was insured with respondent No.3 on the date of incident. Facts of the case also mention



that though the deceased was unmarried, but was living with appellant No.1/claimant who was widow of his brother, as her husband; Appellant No.2 is the daughter of appellant No.1 from her husband (brother of deceased). According to the appellants/claimants, they were dependent upon the deceased. After examining the evidence adduced by the parties, the learned Tribunal has come to the conclusion that the appellants herein cannot be considered as legal heirs of deceased and thus, are not entitled to get any compensation on account of his death. The learned Tribunal has also found that the claimant- Sant Kumar Pater (respondent No.4 herein) being father of deceased, is entitled to get the compensation and hence, awarded compensation to the tune of Rs.2,38,500/- in his favour.

3. Learned counsel for the appellants/claimants has submitted that the learned Tribunal erred in not considering the present appellants as dependents of deceased only on the basis of marital status of appellant No.1 which is irrelevant for awarding compensation. The deceased, after the death of his brother- Rajesh, had accepted his wife and daughter as per custom of their community. The *Sarpanch* of village had also issued a certificate to that effect.

4. Learned counsel for the Insurance Company has argued that being not a legally-wedded wife of deceased, appellant No.1 as well as her daughter i.e. appellant No.2 is not entitled for any compensation on account of his death. According to him, the learned Tribunal did not commit any mistake while rejecting the claim in respect of present appellants.

5. Heard the submissions advanced by learned counsel for the parties



and perused the record.

6. The only question which is to be decided by this Court is as to whether a woman who is not legally-wedded wife of deceased and her daughter who is not born with the deceased, are entitled for compensation under the Motor Accident Claims or not ?

7. On perusal of Motor Vehicles Act, 1988, a claim for compensation arising out of an accident resulting into death can be filed by the legal representatives of the deceased and any agent duly authorized by the legal representatives. However, on many occasions, the Hon'ble Supreme Court has directed to interpret the definition of 'Legal representative' broadly observing that it includes heirs or any person representing the estate of deceased including the people who can prove financial dependency on the deceased.

8. Recently, in the case of *N. Jayasree Vs. Cholamandalam MS General Insurance Co. Ltd.* [(2022) 14 SCC 712], the Hon'ble Supreme Court has held as under :-

"14. The MV Act does not define the term "legal representative". Generally, "legal representative" means a person who in law represents the estate of the deceased person and includes any person or persons in whom legal right to receive compensatory benefit vests. A "legal representative" may also include any person who intermeddles with the estate of the deceased. Such person does not necessarily have to be a legal heir. Legal heirs are the persons who are entitled to inherit the surviving estate of the deceased. A legal heir may also be a legal representative.

xxx

xxx

xxx

16. In our view, the term "legal representative" should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased. As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative intent. We are also of the view that in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realisation of compensation."



9. On perusal of abovequoted pronouncement, this Court finds that a claim for compensation arising out of the death of a person in motor vehicle accident is not confined only to the legal heirs of the deceased as per personal laws. The Act permits a broader range of individuals to file a claim, focusing on the concept of 'legal representative' and 'dependency' rather than merely 'legal heirship'.

10. In view of the above, this Court is of the view that the Tribunal can award compensation to a cohabitant of deceased who lived like a spouse. The principle of substantive justice, recognizes the partner's dependency on the deceased. However, the cohabitant must prove that he/she was in a stable, long-term relationship with the deceased, financially dependent upon him and the relationship had the character of marriage, even if not formalized.

11. Now, reverting back to the merits of the matter, undisputably, the appellants No.1 and 2 are sister-in-law and niece of deceased, respectively whereas respondent No.4 is the father of deceased. According to appellants' counsel, after the death of brother of deceased, the appellants were being taken care of by the deceased. The deceased and appellant No.1 were enjoying the status of husband and wife and this was obvious to all. On perusal of record, the statements of Santlal Patel, Vijendra Patel, Ramkishor Saket and Dileep @ Ramanuj Patel, clearly reveal that appellant No.1 and deceased were living the status of spouse and deceased was also having the responsibility of appellant No.2. Both the appellants appear to be dependents of deceased.

12. Therefore, in such circumstances, this Court comes to the



conclusion that the appellants/claimants come under the purview of 'legal representatives' of deceased for filing the claim petition on account of death of deceased under Motor Vehicles Act and thus, the impugned award dated 30.08.2012 is hereby set-aside.

13. The matter is remanded back to the learned Tribunal to pass the award afresh considering the claim of present appellants as well as respondent No.4. The learned Tribunal is expected to pass a fresh award in the claim case as soon as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

14. Resultantly, the appeal stands **allowed** and **disposed of**.

15. Office is directed to send the record back to the Tribunal concerned, forthwith.

(HIMANSHU JOSHI)
JUDGE

Prachi