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MA-806-2022

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH

ON THE 12th OF NOVEMBER, 2025MISC. APPEAL No. 806 of 2022*BADAM BATHAM**Versus**DINESH AND OTHERS*

.....
Appearance:

Shri Ramesh Prasad Gupta - Advocate for appellant.

Shri Rajesh Gupta- Advocate for respondent No.3- Insurance

Company.
.....

ORDER

This Miscellaneous Appeal under Section 173(1) of the Motor Vehicles Act, 1988 has been filed by the appellant, the husband of deceased Smt. Laxmi Batham, being aggrieved by the Award dated 29.01.2022 passed by the learned Fourth Member, Motor Accident Claims Tribunal, Dabra (hereinafter referred to as "the Claims Tribunal") in Claim Case No.07 of 2018, whereby the claim petition preferred by the appellant was dismissed.

2. The factum of accident, negligence, and liability is not in dispute in the present case.

3. In brief, the facts of the case are that on 04.09.2017, at about 10:00 a.m., deceased Smt. Laxmi Batham was boarding bus bearing registration No. MP07 P 0833 to proceed towards Dabra to procure ration for the Anganwadi Centre, as the ration stock had been exhausted. The driver of the said bus (respondent No.1 therein) drove the vehicle rashly and negligently, as a result of which the deceased



fell down from the bus and was run over, sustaining grievous injuries leading to her death during treatment.

4. On account of the untimely demise of the deceased, the appellant, being her husband, filed a claim petition before the Claims Tribunal seeking compensation of Rs.26,50,000/- along with interest. It was averred that the deceased was a healthy Anganwadi worker posted at Anganwadi Centre Unit, Barouli, Tehsil Dabra, and was earning approximately Rs.14,000/- per month. The appellant contended that due to the sudden death of his wife, he suffered severe mental agony and financial hardship. He is a heart patient and was dependent on his wife both emotionally and financially. It was further pleaded that he incurred substantial expenses on the cremation and last rites of the deceased.

5. Upon appreciation of the evidence on record, the Claims Tribunal framed necessary issues and, by the impugned award, held that the appellant failed to prove that his marriage with the deceased had not been dissolved and that they were living together as husband and wife on the date of the accident. The Tribunal further held that the appellant did not establish his dependency upon the deceased and, therefore, was not entitled to compensation. Consequently, the claim petition was dismissed.

6. Learned Counsel for the appellant submitted that the Claims Tribunal committed a grave error in law and on facts in rejecting the claim petition. It was contended that the appellant was the legally wedded husband of the deceased and that the Anganwadi records of the deceased clearly mention the appellant as her husband, which conclusively establishes their marital relationship. The Tribunal erred in relying upon document Ex.P-35, produced by respondents No.4 to 6 (claimants in connected Claim Case No.101 of 2017), as proof of mutual divorce,



although such a document had no legal sanctity. It was further submitted that in the connected claim case, the respondents therein were awarded compensation of Rs.4,87,000/- under the same common award, whereas the appellant was denied compensation without justifiable reason. Hence, the impugned award deserves to be set aside.

7. *Per contra*, learned counsel for the Insurance Company supported the impugned award and submitted that the findings recorded by the Claims Tribunal are based on proper appreciation of evidence and that no interference is warranted. Accordingly, he prayed for dismissal of the appeal.

8. learned counsel for the parties and perused the record of the case.

9. It is apparent from the material on record that at the time of the death of the deceased, the appellant was her legally wedded husband, although it appears that they were living separately thereafter. The question for consideration, therefore, is whether the appellant, being the legally wedded but estranged husband, is entitled to any compensation under the head of loss of consortium.

10. The Hon'ble Supreme Court in *United India Insurance Company Ltd. v. Satinder Kaur alias Satwinder Kaur and Others* [(2021) 11 SCC 780] has held that the term "consortium" includes spousal, parental, and filial consortium, and that even in cases where the relationship has subsisted legally, the spouse is entitled to compensation under the said head.

11. In view of the aforesaid legal position and the facts of the present case, this Court finds it appropriate to hold that the appellant, being the legally wedded husband of the deceased, is entitled to a sum of Rs.40,000/- towards loss of consortium.

12. Accordingly, the appeal is allowed to the limited extent indicated hereinabove. The Insurance Company is directed to pay an amount of Rs.40,000/-



(Rupees Forty Thousand only) to the appellant towards consortium within a period of two months from the date of receipt of a certified copy of this order.

13. There shall be no order as to costs.

(HIRDESH)
JUDGE

MKB