



2026:CGHC:3756



2026:CGHC:3756

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 128 of 2020**

- Karnataka State Road Transport Corporation Regional Office, Bangalore City, Karnataka (Owner Of The Offending Vehicle Bus No. Ka 42 F 1809), Karnataka

**... Appellant(s)****versus**

1. Smt. Suman Singh W/o Arun Kumar Singh Aged About 45 Years Resident Of House No. C-1, Avanti Vihar, Daldal Sivani, Police Station- Telibandha, Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Shri Arun Kumar Singh S/o Late Haribansh Singh Aged About 54 Years Resident Of House No. C-1, Avanti Vihar, Daldal Sivani, Police Station- Telibandha, Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Kumar Apurva S/o Arun Kumar Singh Aged About 18 Years Resident Of House No. C-1, Avanti Vihar, Daldal Sivani, Police Station- Telibandha, Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Kumar Swamy S/o Kone Gouda Aged About 29 Years Resident Of- At House No. 34, Hittamadhu Main Road, Sriram Nagar, Bsk 3rd Stage, Bangalore City, Karnataka (Driver Of The Offending Vehicle Bus No. Ka 42 F 1809), Karnataka

**... Respondent(s)**

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| For Appellant               | : | Mr. Sangharsh Pandey, Advocate     |
| For Respondents No. 1 and 2 | : | Mr. Purnendra Khichariya, Advocate |



**Hon'ble Shri Justice Rakesh Mohan Pandey**  
**Judgment On Board**

**22.1.2026**

- 1) By way of this appeal, owner of the offending vehicle has challenged the award passed by the learned Fourth Additional Tribunal to First Additional Motor Accident Claims Tribunal, Raipur in Claim Case No. 609/2015 dated 9.5.2019 whereby learned Tribunal has passed an award to the tune of Rs. 28,51,417/- with interest @ 7.5 % per annum on account of death of Adarsh Kumar.
- 2) Facts of the present case are that on 29.4.2015, at about 8:45 pm near Begum Hall Junction, Halasuru, Bangalore, the offending vehicle – Bus bearing registration No. KA-42-F-1809 being driven in rash and negligent manner, dashed the motorcycle of Adarsh Kumar. In the accident, Adarsh Kumar sustained grievous injuries and died during course of treatment.
- 3) Claimants, who are the parents and younger brother of deceased filed claim case claiming therein compensation to the tune of Rs. 1,11,74,000/- and pleaded that age of the deceased was 24 years and he was earning Rs. 3,50,000/- per annum working as Relationship Manager at ICICI Securities Ltd. Appellant filed reply and pleaded that there was negligence on the part of deceased himself as he dashed the bus from behind and came under its



rear wheel. Learned Tribunal framed issues ; parties led evidence and thereafter, award was passed.

- 4) Learned counsel appearing for the appellant submits that issue with regard to contributory negligence has wrongly been decided against the appellant herein. He has referred written complaint (Ex.P/2) lodged by one Mahmood Raza and site plan (Ex. P/5). He further submits that driver of the bus was driving it in low speed as there was signal and turning but the deceased who was coming from behind in high speed tried to overtake the bus and came under the rear wheel of bus and sustained injuries; Rangaswami (NAW/1), conductor of bus proved this fact. He contends that there was sufficient evidence before the learned Tribunal with regard to contributory negligence. He has placed reliance on the judgment rendered by the Hon'ble Supreme Court in the matter of ***Lachoo Ram and Others Versus Himachal Road Transport Corporation***<sup>1</sup>. He prays to modify the award accordingly.
- 5) On the other hand, learned counsel appearing for the claimants would oppose. He submits that in the written complaint there is specific allegation with regard to rash and negligent driving of bus by its driver. He further submits that conductor of bus was an interested witness and there is a finding recorded by the learned Tribunal in this regard. He contends that appellant failed to

---

1. (2014) 13 SCC 254



examine any eye-witness to establish contributory negligence. He further contends that this appeal deserves to be dismissed.

- 6) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 7) Admittedly, deceased met with accident on 29.4.2015 at about 8:45 pm. In the written complaint (Ex. P/2), it is categorically stated that driver of bus was driving it in rash and negligent manner and the bike of deceased was hit by the bus. Site-Plan (Ex. P/5) would show that accident took place at a turning. Rangaswami, conductor of bus (NAW/1) has stated in evidence that bus was not in high speed as there was signal but in the site-plan, no signal is marked. He admitted that no written complaint was made against the deceased with regard to rash and negligent driving of motorcycle. Learned Tribunal has recorded a finding to the effect that conductor of bus is a interested witness and evidence led by such witness cannot be accepted in its entirety. The driver and owner of the offending vehicle – bus did not make any complaint before the superior police authorities against registration of FIR, seizure of vehicle and filing of charge-sheet against them.
- 8) The Hon'ble Supreme Court in the matter of ***Mangla Ram vs. The Oriental Insurance Company Limited and Others***<sup>2</sup> held that point of negligence on the part of the driver of the offending vehicle is required to be decided by the Tribunal on the

---

2. AIR 2018 SC 1900



touchstone of preponderance of probability and certainly not by standard of proof beyond reasonable doubt. Thus, filing of charge-sheet against the driver of the offending vehicle *prima facie* points towards his complicity in driving the vehicle negligently and rashly. Recently, the Hon'ble Supreme Court has held in the matter of **Ranjeet and Anr. vs. Abdul Kayam Neb and Another** in **Special Leave to Appeal (C) No.10351 of 2019**, has held that "It is settled in law that once a charge-sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eyewitnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver".

9) Appellant failed to examine any independent witness to establish that there was a signal ; rider of bike overtook the bus at high speed and came within the rear wheel of bus and sustained injuries. Smt. Suman Singh (AW/1), mother of the deceased exhibited documents and supported the contents of claim application. Arun Kumar Singh (AW/2), father of the deceased also supported the contents of claim application. These witnesses remained firm in cross-examination.

10) In the matter of **Lachoo Ram** (supra), Hon'ble Supreme Court discussed evidence and recorded a finding that since the offending Bus was standing at red light and could stop within 100 to 150 yd of traffic signal, it cannot be said that bus started at high



speed. In the present case, there is no evidence on the part of appellant that there was a signal or bus was not in high speed, rather complainant specifically stated that offending vehicle – Bus was being driven in rash and negligent manner. Thus, the facts of present case are distinguishable to the facts of the above cited case.

11) From the discussion made hereinabove, it is quite clear that no evidence was led by the appellant to prove the factum of contributory negligence. It is well settled principle of law that in absence of any direct or corroborative evidence on record, it cannot be assumed that the accident occurred due to rash and negligent driving of both the vehicles. In the present case also, it cannot be presumed that the accident occurred due to rash and negligent driving of motorcycle by the deceased. Hon'ble Supreme Court in the matter of ***Meera Devi and Another Vs. Himachal Pradesh Road Transport Corporation and Others***<sup>3</sup> while dealing with the similar issue in para 10 held as under :-

“to prove the contributory negligence, there must be cogent evidence. In the instant case, there is no specific evidence to prove that the incident has taken place due to rash and negligent driving of the deceased scooterist. In absence of any cogent evidence to prove the plea of contributory negligence, the said doctrine of the common law cannot be applied in the present case. We are, thus of the view that the reasoning given by the High Court has no basis and the compensation awarded by the

---

3. 2014 (4) SCC 511



2026:CGHC:3756

tribunal was just and reasonable in the facts and circumstances of the case.”

**12)** Taking into consideration the above-discussed facts, no case is made out to interfere with the award impugned. Consequently, this appeal fails and is hereby **dismissed**.

Sd/-  
**(Rakesh Mohan Pandey)**  
JUDGE

Ajinkya