



2026:CGHC:3758



2026:CGHC:3758

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 327 of 2025**

1 - Panchu Tandi S/o Paras Ram Tandi Aged About 55 Years R/o Village Jamdi P.S. Basna District Mahasamund (C.G.) (Owner Of The Offending Vehicle Tractor No. Cg- 06 Gj - 8580)

... Appellant**versus**

1 - Devprasad Chouhan S/o Shri Girisar Chouhan Aged About 40 Years R/o Village Kokdi Post Patsendri P.S. And Tehsil Saraipali District - Mahasamund (C.G.) (Claimant)

2 - Minor Pushpendra Chouhan S/o Devprasad Chouhan Aged About 11 Years Through The Legal Guardian Father Devprasad Chouhan R/o Village Kokdi Post Patsendri P.S. And Tehsil Saraipali District - Mahasamund (C.G.)

3 - Yogesh Kumar Sao S/o Chhabilal Sao R/o Village Jamdi P.S. Basna District - Mahasamund (C.G.) (Driver Of The Offending Vehicle Tractor No. Cg- 06 Gj - 8580)

... Respondent(s)

For Appellant	: Mr. Virendra Verma, Advocate
Fro Respondent No. 3	: Mr. Purendra Kichariya, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****22.01.2026**

1. The owner of the vehicle has filed this appeal challenging liability part assailing award passed by the learned 1st Additional Motor Accident Claims Tribunal, Saraipali, District Mahasamund passed in Claim Case No.27/2022 dated 27.04.2024, whereby the learned Tribunal has granted compensation to the tune of Rs. 7,61,000/- with interest at the rate of 9% per annum on account of death of Jayanti Chouhan.



2. The facts in brief are that on 08.04.2022 deceased Jayanti Chouhan was going to village Bhalukona on a Tractor bearing registration No. CG 06 GJ 8580 as she was invited by one Panchu Tandi to participate in a family function. The driver of the offending Tractor drove it rashly and negligently, resultantly, it turned turtle, consequently, Jayanti Chouhan and three other persons died on the spot. The husband and one major son filed application under Section 166 of Motor Vehicle Act, wherein they pleaded that at the time of accident age of the deceased was 32 years and earning Rs. 300-400/- per day. They claimed a sum of Rs. 32,99,000/-
3. As the vehicle was not insured, the driver and owner of the vehicle filed reply to the claim petition and denied its averments.
4. Mr. Virendra Verma, Advocate appearing for the appellant would argue that driver of the offending vehicle had borrowed it from its owner/appellant and due to his negligence, the Tractor turned turtle and four persons lost their lives. He would submit that as the vehicle was within custody of the driver of the offending vehicle, the learned Tribunal should have fastened liability with him. He would pray to set-aside the award.
5. On the other hand, learned counsel appearing for respondent/Insurance Company would oppose. He would contend that the driver was engaged by owner of the vehicle and the Tractor was provided by the owner himself; therefore, the learned Tribunal rightly fastened liability with the owner and driver of the vehicle. He would submit that the owner failed to examine himself to prove this fact. He would submit that the appeal deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the record.
7. The claimant No.1 examined himself and deposed that due to rash and negligent driving of the Tractor, it turned turtle and deceased Jayanti



Chouhan lost her life. He exhibited final report, FIR, merg-intimation, *Naksha Panchnama*, Postmortem report, Crime detail form, seizure memo and arrest memo.

8. FIR was registered against the driver of the vehicle on 08.04.2022. In the FIR, there is no mention that the Tractor was borrowed by its owner. Joint reply was filed by owner and driver of the vehicle. In reply also, there is no statement that Tractor was borrowed by its driver from its owner. The owner failed to examine any witness to substantiate the fact that the Tractor was borrowed by its driver and he was negligent. No issue was framed in this regard by the learned Tribunal.
9. The learned Tribunal after appreciating oral and documentary evidence passed award. The submission that the vehicle was borrowed by its driver from its owner is being raised first time at appellate stage.
10. Taking into consideration the above-discussed facts, I do not find any good ground to interfere with the award passed by the learned Tribunal. Accordingly, this appeal fails and is hereby **dismissed**, at admission stage itself.

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