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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1021 of 2018

- Bharat Satyawanshi, S/o Kanshiram Satyawanshi, Aged About 26 Years, R/o Ward No.6, Majgaon Road, Kawardha, Police Station Kawardha, District Kabirdham, Chhattisgarh (**Owner/Non-applicant No.2**).

... Appellant

versus

1. Dhanmat Bai, Wd/o Najru Markam, Aged About 45 Years, R/o Ward No.6, Majgaon Road, Kawardha, District Kabirdham, Chhattisgarh (**Claimant**).
2. Pappu Markam, S/o S/o Late Najru Markam, Aged About 10 Years, Minor Through Natural Guardian Mother Namely Dhanmat Bai, Wd/o Najru Markam, R/o Ward No.6, Majgaon Road, Kawardha, District Kabirdham, Chhattisgarh (**Claimant**).
3. Jyoti Markam, S/o Late Najru Markam, Aged About 4 Years, Minor Through Natural Guardian Mother Namely Dhanmat Bai, Wd/o Najru Markam, R/o Ward No.6, Majgaon Road, Kawardha, District Kabirdham, Chhattisgarh (**Claimant**).
4. Durgesh Kumar Sahu, S/o S/o Sitaram Sahu, Aged About 25 Years, R/o Village Gunbod, Police Station & Tahsil Bemetara, District Bemetara, Chhattisgarh (**Driver/Non-applicant No.1**).
5. The Branch Manager, Shriram General Insurance Company Limited, Maruti Heights Building, Beside R.K. Maal, Aamanaka Raipur, District Raipur, Chhattisgarh (**Non-applicant No.3**).

... Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Samsun Samual Masih, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Amitendra Kishore Prasad**Order on Board**



18/03/2026

1. This Miscellaneous Appeal has been preferred by the appellant under Section 173 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V. Act'), questioning the legality and propriety of the award dated 07.03.2018 passed by the Motor Accident Claims Tribunal, Kabirdham (C.G.) (for short 'Claims Tribunal') in Claim Case No.167/2014, whereby the learned Tribunal while allowing the claim in part has awarded the total amount of compensation to the tune of Rs.9,37,200/- with 7.5% interest per annum in favour of the respondents No.1 to 3 / claimants from the date of filing of the claim petition till the date of actual payment.
2. Brief facts of the case are that on 25.04.2014, the deceased Lallu @ Dhanesh had gone to the Mahanadi Sand Mine in Village Dongridih to load sand in the 'Truck' bearing Registration No.CG-09-B-1203. After loading the truck with sand, the respondent No.1/driver of the truck drove the vehicle rashly and recklessly at the ghat, crushing the deceased Lallu @ Dhanesh under the heavy vehicle. Due to the severe injuries sustained in the accident, deceased died on the way to the hospital. The incident was reported at the Kasdol Police Station. The deceased was 25 years old young boy and claimants were dependent upon him, as their father was also died.
3. The claim petition has been filed by the claimants, who are mother and brother of the deceased, under Section 166 of the M.V. Act before the learned Claims Tribunal seeking compensation of Rs.91,50,000/- on the ground that prior to the death, the deceased was earning Rs.20,000/- per month.
4. Non-applicants No.1 & 2 have jointly submitted their reply to the application and denied the pleadings made in the claim application. Their primary contention is that no accident was occurred by their vehicle. A false case has been registered against non-applicant No.1 by the concerned police. At the time of



the accident, vehicle was insured under a comprehensive risk insurance policy with non-applicant No.3/insurance company, hence, non-applicant No.3/insurance company is liable for any liability arising from the said accident and applicants are not entitled to receive compensation from non-applicants No.1 & 2.

5. Non-applicant No.3/insurance company has filed a reply and denied the pleadings made in the claim application. The main objection is that vehicle owner must be insured under the terms and conditions of the insurance policy. Further, driver must have a valid and effective driving license at the time of the accident and its permit and fitness certificate should also be valid and effective. The deceased was riding as an unauthorized passenger in the alleged offending vehicle, which violates the terms and conditions of the insurance policy.
6. The learned Claims Tribunal has fastened the liability upon the owner of the offending vehicle holding that the driver of the offending vehicle was not having valid and effective driving license to drive the same.
7. Learned counsel for the appellant/owner submits that the driver was having valid and effective driving license, however, this fact has not been considered by the Claims Tribunal and as such the award fastening liability upon the owner is not in accordance with law.
8. I have heard learned counsel for the appellant and perused the material available on record carefully.
9. From bare perusal of the award as well as the record, it appears that the driver of the offending vehicle was not having valid and effective driving license and that fact has not been disputed by the non-applicants No.1 & 2 by adducing relevant material before the learned Claims Tribunal, hence, there is no illegality or irregularity in the impugned award passed by the learned Claims



Tribunal, as the learned Claims Tribunal while fastening the liability upon the owner has considered this aspect. In a detailed discussion, it was found by the learned Claims Tribunal that the driving license of the driver for driving the offending vehicle was not valid and effective to drive the heavy vehicle.

10. On the contrary, the said driving license was valid to drive light motor vehicle, and therefore, the learned Claims Tribunal after weighing the evidence adduced by the owner and driver in comparison to insurance company has found that the evidence adduced by the insurance company is more probable, than that of owner and driver of the motor vehicle. It was found that the driver of the offending vehicle was not having appropriate driving license to drive heavy motor vehicle and as such the liability has been fastened upon the driver and owner of the offending vehicle.
11. In view of above foregoing discussion, I do not find any substance in this appeal. The appeal being devoid of merits is accordingly, dismissed at the motion stage itself.

Sd/-
(Amitendra Kishore Prasad)
Judge