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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1097 of 2024

1 - Smt Mani Yadav W/o Ramawtar Yadav Aged About 61 Years R/o Village - Khatwa Bardar, P.S. Pasta, Tahsil - Doura, District - Balrampur-Ramanujganj, Chhattisgarh. (Owner Of Sonalika Tractor No. Cg30c3708) (Owner)

--- Appellant

versus

1 - Agaru @ Amrun W/o Late Masuk Ansari Aged About 55 Years R/o Village - Ghaghra, P.S. - Pasta, Tahsil - Doura, District - Balrampur-Ramanujganj, Chhattisgarh. (Claimant)

2 - Sukhedev @ Solo S/o Sonsay Aged About 24 Years R/o Village - Seetarampur Path (Karampani), P.S. - Pasta, Tahsil - Doura, District - Balrampur - Ramanujganj, Chhattisgarh. (Driver Of Sonalika Tractor No. Cg30 C3708) (Driver)

3 - Branch Manager H.D.F.C. Irgo General Insurance Co - Limited Third Floor, Chawla, Complex, Devendra Nagar Road, Sai Nagar, Raipur, Chhattisgarh. (Sonalika Tractor Bearing No. Cg. 30 C 3708 To Insurance)

--- Respondent(s)

For Appellant	**:**	Mr. Pankaj Kamlesh on behalf of Mr. Akath Kumar Yadav, Advocate
For Respondent No. 3	**:**	Mr. Himanshu Thakur with Mr. Ashish Pandey, Advocates

MAC No. 1260 of 2024

1 - Smt. Mani Yadav W/o Ramawatar Yadav, Aged About 61 Years R/o Village Khatwa Bardar, P.S. Pasta, Tahshil Doura, District Balrampur Ramanujganj, C.G. (Owner Of Sonalika Tractor No. Cg30c3708)

---Appellant

Versus

1 - Khateeja Ansari W/o Late Riyajuddin Ansari, Aged About 50 Years R/o Village Kochli, P.S. Pasta, Tahshil Doura, District Balrampur Ramanujganj, Chhattisgarh.

2 - Asagar Ansari S/o Late Riyajuddin Ansari, Aged About 31 Years R/o Village Kochli, P.S. Pasta, Tahshil Doura, District Balrampur Ramanujganj, Chhattisgarh.

3 - Mo. Israil S/o Late Riyajuddin Ansari, Aged About 37 Years R/o Village Kochli, P.S. Pasta, Tahshil Doura, District Balrampur Ramanujganj, Chhattisgarh.

4 - Sukhedev @ Solo, S/o Sonsay, Aged About 24 Years R/o Village Seetarampur Path (Karampani), P.S. Pasta, Tahshil Doura, District Balrampur Ramanujganj, C.G. (Driver Of Sonalika Tractor No. Cg30 C3708)

5 - Branch Manager H. D. F. C. Irgo General Insurance Co-Limited, Third Floor, Chawla Complex, Devendra Nagar Road, Sai Nagar, Raipur C.G. (Insurer Of Sonalika Tractor No. Cg30 C3708)

--- Respondent(s)

For Appellant	:	Mr. Pankaj Kamlesh on behalf of Mr. Akath Kumar Yadav, Advocate
For Respondent Nos. 1 to 3		Mr. Aditya Kumar Mishra, Advocate
For Respondent No. 5	:	Mr. Himanshu Thakur with Mr. Ashish Pandey, Advocates

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

22.04.2026

1. Since both the appeals arise out of the same award, they were heard analogously and are being decided by this common order.

2. These two appeals have been preferred by the owner of the offending vehicle against the common award dated 04.04.2024 passed by the learned 2nd Additional Motor Accidents Claims Tribunal, District Balrampur, Ramanujganj (C.G.) (hereinafter referred to as "the learned Tribunal") in Claim Case No. 56/2022 (MAC No. 1097/2024) and Claim Case No. 57/2022 (MAC No. 1260/2024).

3. The aforesaid appeals have been filed seeking reduction of the compensation awarded by the learned Tribunal, whereby a sum of Rs. 5,00,000/- has been granted on account of the death of deceased Gyasuddin Ansari in MAC No. 1097/2024 and Rs. 7,67,760/- on account of the death of deceased Riyajuddin Ansari in MAC No. 1260/2024. Both deaths occurred in the same accident caused by the rash and negligent driving of the offending vehicle i.e. Tractor

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bearing registration No. CG-30-C-3708, driven by Sukhdev @ Solo, owned by Smt. Mani Yadav and insured with HDFC Ergo General Insurance Company Ltd.

4. As per the pleadings, the deceased persons were travelling on a motorcycle bearing Registration No. CG-15-CH-0588 when the offending tractor dashed into it, resulting in the death of both the rider and the pillion rider. Consequently, claim petitions under Section 166 of the Motor Vehicles Act were filed.

5. The claim petitions were contested by the driver and the owner. The Insurance Company *inter alia* contended that the offending vehicle was not insured on the date of the incident which occurred on 09.04.2022 whereas the insurance policy was issued on 10.04.2022. It was further contended that there was a violation of the policy conditions, as the driver was not holding a valid and effective driving licence.

6. On the basis of the pleadings, the learned Tribunal framed 4 issues and decided the same in favour of the claimants. While deciding Issue No. 2 pertaining to violation of the terms and conditions of the insurance policy, the learned Tribunal held that the offending vehicle was not insured at the time of the accident.

7. Learned counsel for the appellant submits that the learned Tribunal erred in exonerating the Insurance Company and that the amount of compensation awarded is excessive. He further submits that there was contributory negligence on the part of the motorcycle driver, and therefore, the compensation ought to be reduced and the Insurance Company should be held liable.

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8. Per contra, learned counsel for the Insurance Company supported the award and submitted that since the offending vehicle was not insured on the date of the incident, the Insurance Company cannot be held liable.

9. I have heard learned counsel for the parties, considered their rival submissions, and perused the record.

10. The first contention of the learned counsel for the appellant pertains to the alleged wrongful exoneration of the Insurance Company. In this regard, the learned Tribunal framed Issue No. 2 relating to violation of the insurance policy and recorded a finding that the offending vehicle was not insured on the date of the incident. For this purpose, reliance was placed upon the testimony of Praveen Sijariya (DW-1) who produced the insurance policy (Ex. D-1), certified copy of the premium receipt (Ex. D-2), CD of the register (Ex. D-3), and the certificate under Section 65-B of the Evidence Act (Ex. D-4). This witness categorically deposed that the insurance policy was effective for the period from 10.04.2022 to 09.04.2023, whereas the accident occurred on 09.04.2022 at about 12:30 PM. He further deposed that the driver of the vehicle was not holding a valid driving licence. In such circumstances, the Insurance Company cannot be held liable. He also deposed that the premium for the insurance policy was received after the occurrence of the incident.

11. In view of the aforesaid evidence, this Court finds no illegality or irregularity in the finding recorded by the learned Tribunal. Accordingly, the contention raised by the appellant in this regard is rejected.

12. The next contention relates to contributory negligence. Although no specific issue was framed on contributory negligence, Issue No. 1 pertains to the negligence of the driver of the offending vehicle which was decided against

the appellant. The learned Tribunal relied upon the testimony of Mohd. Hameed Ansari (AW-2) who clearly deposed that the driver of the offending vehicle was driving rashly and negligently and dashed into the motorcycle, resulting in the death of the deceased persons. There is no material on record to establish negligence on the part of the deceased. It also does not appear as to whether the driver of the offending vehicle was examined to prove the negligence on the part of the deceased persons. Upon careful consideration of the evidence on record, this Court finds that the finding of the learned Tribunal is based on proper appreciation of evidence and warrants no interference. Accordingly, this contention is also rejected.

13. The last contention pertains to the quantum of compensation. In MAC No. 1097/2024, the deceased was aged about 13 years and the learned Tribunal awarded a sum of Rs. 5,00,000/- which cannot by any stretch of imagination be termed excessive. In MAC No. 1260/2024 the deceased was aged about 58 years and compensation of Rs. 7,67,760/- has been awarded which also does not appear to be excessive. Therefore, this contention is devoid of merit and is rejected.

14. Consequently, this Court finds no merit in either of the appeals. Both appeals are accordingly **dismissed**. All pending applications stand disposed of. Interim orders, if any, stand vacated.

Sd/-

(Sachin Singh Rajput)
Judge

H.ANSARI