



2026:CGHC:3892



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1241 of 2018

Prakash Kumar Patel S/o Haldhar Patel Aged About 35 Years Caste-Aghariya, R/o Village- Kouhakuda, Police Station And Tehsil- Pithora, District- Mahasamund, Chhattisgarh.

--- Appellant

Versus

1 - Rajendra Choudhary S/o Harprasad Choudhary Aged About 32 Years, Caste Aghariya, R/o Village- Sonasilli, Police Station And Tehsil- Pithora, District- Mahasamund, Chhattisgarh.

Owner of offending vehcile No.C.G.-04 DN/5809.

2 - Branch Manager, IFFCO Tokiyo General Insurance Company Ltd. M.M. Silver Plaza, In Front of Udyog Bhawan, Mahaveer Nagar, Ring Road No.01, Raipur, District- Raipur, Chhattisgarh.

Insurer of offending vehicle No.C.G. 04 DN/8509

--- Respondents

MAC No. 1240 of 2018

Smt. Savitri Patel S/o Bharatlal Patel Aged About 40 Years Caste-Aghariya, R/o Village- Kouhakuda, Police Station And Tehsil- Pithora, District- Mahasamund, Chhattisgarh.

--- Appellant

Versus

1 - Rajendra Choudhary S/o Harprasad Choudhary Aged About 32 Years, Caste Aghariya, R/o Village- Sonasilli, Police Station And Tehsil- Pithora, district- Mahasamund, Chhattisgarh.

Owner of offending vehcile No.C.G.04 DN/8509



2 - Branch Manager IFFCO Tokiyo General Insurance Company Ltd,
M.M. Silver Plaza, In Front of Udyog Bhawan, Mahaveer Nagar, Ring
Road No. 01, Raipur, District- Raipur, Chhattisgarh.
Insurer of offending vehicle No.CG.-04 DN/8509

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Surfaraj Khan, Advocate
For Respondent No.2	:	Ms. Vartika Shrivastava, Advocate on behalf of Mr. P.R. Patankar, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Judgment on Board

22.01.2026

1. As both the appeals emanate from the same accident and involve common question of fact, they were clubbed together, heard together, and are being decided by this common judgment.
2. Challenge in these appeals is to the award dated 28.06.2018, passed by the learned Motor Accident Claims Tribunal, Mahasamund (C.G.) (for short, 'Claims Tribunal') in Claim Case No.H-127/2016 and Claim Case No.H-128/2016 whereby the learned Claims Tribunal dismissed the claim petitions filed by the claimants.
3. MAC No.1241/2018 has been filed by the claimant Prakash Kumar Patel and MAC No.1240/2018 has been filed by the claimant Smt. Savitri Patel seeking amount of compensation.



4. Brief facts of the case, are that the accident occurred on 27.02.2016 at about 4:30 p.m. The claimants, Prakash Kumar Patel and his aunt Savitri Patel, were travelling on a motorcycle from village Kashibahara towards Kauhakuda when a motorcycle bearing registration No. CG-04 DN-8509, driven by Nilambar Chaudhary and coming from the opposite direction, was allegedly driven in a rash and negligent manner and collided with their vehicle. As a result of the said accident, both the claimants fell on the road and sustained injuries.
5. They were immediately taken by local residents to the Community Health Centre, Pithora, where they were administered first aid and discharged with advice of complete bed rest. Both the claimants state that they continued to undergo treatment from private as well as government medical practitioners.
6. In connection with the accident, a report was lodged at Police Station Pithora, pursuant to which Crime No. 39/2016 was registered against the driver Nilambar Chaudhary under Sections 279 and 337 of the Indian Penal Code. Subsequently, due to the death of the said driver, the criminal proceedings were closed and the case was **registered as Crime No. 14/2016.**
7. It is further the case of claimant Prakash Kumar Patel that prior to the accident, he was earning his livelihood as a mason with a monthly income of ₹4,500/-, whereas claimant Savitri Patel claims that she was engaged in sewing and embroidery work and



earning a similar income. Both the claimants contend that due to the injuries sustained in the accident, they suffered permanent disability, resulting in financial hardship to their respective families. Accordingly, Prakash Kumar Patel claimed compensation of ₹10,50,000/- and Savitri Patel claimed compensation of ₹11,50,000/- under various heads.

8. Notice was issued to the non-applicant No. 1 (owner of the offending vehicle), who appeared through counsel but failed to file any written statement despite repeated opportunities, and therefore, ex parte proceedings were initiated against him on 11.01.2018.
9. The non-applicant No. 2, Insurance Company, filed a written statement denying the claim. It was contended that the accident was a result of a head-on collision and that the claimants' version was false, fabricated, and unsupported by evidence. It was further pleaded that the driver and owner of the offending motorcycle were not possessing valid and necessary documents at the time of the accident and, therefore, the Insurance Company was not liable to indemnify the claim. On these grounds, dismissal of both claim petitions was sought.
10. Upon considering the pleadings of the parties, the evidence adduced on record, and the grounds urged before it, the Claims Tribunal arrived at the conclusion that the claimants failed to establish the essential ingredients required for grant of



compensation. The Tribunal, on appreciation of the material available on record, held that the occurrence of the accident and the manner in which it was alleged to have taken place were not proved in accordance with law and that the claimants could not successfully attribute rash and negligent driving to the driver of the offending vehicle. Consequently, the Claims Tribunal dismissed both the claim petitions.

11. Learned counsel for the appellant submits that a bare perusal of the impugned award clearly demonstrates that the learned Claims Tribunal has rejected the claim of the appellant in a mechanical manner, without recording any cogent or sufficient reasons, and without proper appreciation of the pleadings and evidence on record. It is contended that the Tribunal failed to apply settled principles of law governing assessment of compensation under the Motor Vehicles Act. It is further submitted that the appellant had duly produced documentary evidence in the form of medical bills and treatment papers substantiating the medical expenses incurred for treatment of the injuries sustained in the accident. However, the learned Claims Tribunal has neither discussed nor evaluated the said documents and has failed to award any compensation towards medical expenses, despite the same being duly proved on record.
12. Learned counsel further submits that it remains undisputed that the appellant had suffered multiple injuries in the accident caused



due to the rash and negligent driving of the offending vehicle driven by Nilambar Choudhary. It is argued that the injuries have adversely affected the appellant's capacity to discharge her self-employment work as she was doing prior to the accident, thereby causing substantial loss of earning capacity and severe financial hardship. Despite this, the learned Tribunal failed to consider compensation under various permissible heads such as pain and suffering, loss of income, future prospects, and medical expenses, and did not undertake any computation in accordance with established legal norms. It is also urged that the impugned award suffers from material irregularity and legal infirmity, inasmuch as the learned Claims Tribunal has failed to consider material aspects of the case and has recorded erroneous findings contrary to the settled principles governing grant of just and reasonable compensation. The Tribunal has not applied its judicial mind while adjudicating the claim, rendering the impugned award unsustainable in law.

13. On these grounds, learned counsel submits that the impugned award deserves to be set aside and suitably enhanced, and that this Hon'ble Court may be pleased to grant just and reasonable compensation to the appellant commensurate with the injuries suffered and the evidence on record.
14. On the other hand, learned counsel appearing for respondent No.2 opposes the submissions advanced by learned counsel for



the appellant and submits that the learned Claims Tribunal, after duly appreciating the material available on record, has rightly passed the impugned award, which does not warrant any interference.

15. I have heard learned counsel for the parties and perused the record of the claim case carefully.
16. From perusal of the impugned award, it transpires that the learned Claims Tribunal decided Issues No. 1 and 2 together on the premise that they were interdependent and, upon appreciation of the oral and documentary evidence, recorded findings against the claimants. The Tribunal relied primarily on the testimony of claimant Prakash Kumar Patel (PW-1) and claimant Savitri Patel (PW-1), and held that their evidence was not reliable, inter alia, on the ground that material facts had been concealed from the Tribunal, particularly with regard to the criminal case registered against Prakash Kumar Patel in relation to the death of the driver of the opposite motorcycle.
17. The learned Tribunal further observed that the documents produced on record, including the spot map, indicated that the accident occurred due to a head-on collision on a sufficiently wide road, and that no presumption of negligence could be drawn against the deceased driver merely on account of his death in the accident. It was held that the circumstances of the accident did not establish rash or negligent driving on the part of the deceased,



and rather pointed towards fault on the part of claimant Prakash Kumar Patel.

- 18.** The Tribunal also took note of the Medico-Legal Case (MLC) reports of both claimants, observing that neither of them suffered any visible or grievous injuries and that both only complained of pain. In the absence of documentary evidence to substantiate prolonged treatment or serious injury, the learned Tribunal concluded that the claimants failed to prove that they suffered any substantial bodily harm as a result of the accident.
- 19.** While deciding Issue No. 5, the learned Claims Tribunal held that compensation under the Motor Vehicles Act is not automatic and can be awarded only upon proof of injury, loss or damage caused by the accident. On assessment of the evidence, it was held that the claimants neither proved medical expenses, loss of income, nor any future disability or incapacity to work. It was also observed that both claimants admitted during their depositions that they continued to carry on their respective occupations even after the accident.
- 20.** On the aforesaid reasoning, the learned Claims Tribunal answered all the issues against the claimants and dismissed Claim Case No. H-127/2016 and Claim Case No. H-128/2016.
- 21.** Having carefully examined the record and the impugned award, this Court finds that the learned Claims Tribunal has rightly analyzed the evidence on record and arrived at a reasoned



conclusion. The Tribunal considered the oral testimony of the claimants, medical documents, MLC reports, and other documentary evidence, and correctly held that the appellants failed to prove that the accident occurred due to rash or negligent driving on the part of the deceased driver, Nilambar Chaudhary, or that they suffered grievous injuries warranting compensation.

- 22.** The Tribunal also noted that material facts, particularly regarding the criminal proceedings against Prakash Kumar Patel in connection with the death of the deceased driver, were not disclosed in the pleadings or evidence. This concealment adversely affected the credibility of the claimants' case. Furthermore, the spot map and other documents indicated that the accident occurred on a sufficiently wide road, making it untenable to attribute fault solely to the deceased driver.
- 23.** On examination of medical evidence, including MLC reports, the Tribunal found that the claimants did not suffer visible or serious injuries. Minor complaints of pain were insufficient to establish any substantial bodily harm, loss of earning capacity, or future disability. Both claimants admitted during their depositions that they continued to perform their respective occupations post-accident, further undermining any claim of financial loss or incapacity.
- 24.** It is well-settled that compensation under the Motor Vehicles Act is not automatic; it can only be awarded upon proof of injury, loss, or



damage arising from a motor accident. In the present case, the claimants failed to discharge the burden of proof regarding rash or negligent driving, medical expenses, loss of income, or any other heads of compensation.

- 25.** Considering the above, this Court finds no merit in the contentions raised by the appellants. The learned Claims Tribunal applied its judicial mind, appreciated the evidence in a reasoned manner, and correctly concluded that the claimants were not entitled to compensation. There is no material irregularity, perversity, or error of law in the Tribunal's findings that would warrant interference.
- 26.** Accordingly, both appeals (MAC No.1241/2018 and MAC No.1240/2018) are dismissed, and the impugned award dated 28.06.2018 passed by the learned Claims Tribunal in Claim Case No. H-127/2016 and Claim Case No. H-128/2016 is upheld in its entirety.
- 27.** The Registry is directed to send the record, along with a copy of this judgment, to the concerned learned Claims Tribunal for necessary information and compliance.

Sd/-

(Amitendra Kishore Prasad)
Judge