



2026:CGHC:12808

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 942 of 2022

1 - Sanat Chandrawanshi S/o Firanta Chandrawanshi Aged About 42 Years
R/o Village Palansari, Thana Pandatarai, District - Kabirdham Chhattisgarh

2 - Rampyari Chandrawanshi W/o Sanat Chandrawanshi Aged About 37
Years R/o Village Palansari, Thana Pandatarai, District - Kabirdham
Chhattisgarh

... Appellants

versus

Krishna Kumar Chandrawanshi S/o Tilakram Aged About 44 Years Vehicle
Owner. Motorcycle Splendor Plus Bearing Registration No. C.G. 09-D-4397,
Resident Of Village Palansari, Thana Pandatarai, District Kabirdham
Chhattisgarh.

... Respondent

For Appellants	:	Smt. Swati Agrawal, Advocate
For Respondent	:	Mr. Amit Kumar, Advocate.

{Hon'ble Mr. Justice Sachin Singh Rajput}

Order on Board

17/03/2026

1. Challenge in this appeal under Section 173 of the Motor Vehicles Act, 1988 (for brevity, "MV Act, 1988") is to the award dated 05.03.2022 passed by Additional Motor Accident Claims Tribunal, Kabeerdham (C.G.) in Claim Case No. 96 of 2019 whereby the claim application under Section 163-A of the MV

Act filed by the appellants/claimants has been dismissed.

2. The appellants/claimants are the parents of deceased – Ishwar Prasad Chandravanshi. On 10.02.2018, deceased Ishwar Prasad Chandravanshi and nephew of the respondent Hemchand in the Hero Honda Splendor Motorcycle of respondent were returning from village Pandatarai to village Palansari after purchasing the goods, at that time, when near Chutki bypass road, the brakes of the motorcycle failed and the vehicle went out of control and climbed into a heap of mud and they fell down, as a result thereof, deceased Ishwar suffered serious injuries on his head and other parts of the body, thereafter, immediately he was taken to Roopvijay Hospital, Kawardha for treatment, from he was shifted to Raipur for further treatment where he was treated, but due to the traumatic injury on the head, he died during treatment on 16.02.2028. The matter was reported to Police Station, Pandatarai and Station in-charge registered the merg intimation.

3. The claimants filed Claim Case No.96 of 2019 under Section 163-A of the Motor Vehicles Act, against the owner and insurer of the motorcycle. The Claims Tribunal found that the deceased borrowed the motorcycle from respondent (owner) and was its deemed owner and was not a third party, therefore, dismissed the claim case. Hence, this appeal.

4. I have heard learned counsel for the parties and perused the impugned award including the records of the Tribunal.

5. Admittedly, the deceased was borrower of the motorcycle and was driving the same at the time of the accident. Therefore, the deceased stepped into the shoes of the owner of the vehicle in question and was its deemed owner. The Supreme Court in the case of **Ningamma and another vs. United India Insurance Company Limited, 2009 (13) SCC-710,** has observed in para 21 & 22 as under :

“21. In our considered opinion, the ratio of decision of Oriental Insurance Co. Ltd. Vs. Rajni Devi reported in (2008) 5 SCC 736) is clearly applicable to the facts of the present case. In the present case, the deceased was not the owner of the motorbike in question. He borrowed the said motorbike from its real owner. The deceased cannot be held to be an employee of the owner of the motorbike although he was authorized to drive the said vehicle by its owner and, therefore, he would step into the shoes of the owner of the motorbike. We have already extracted Section 163-A of the Act hereinbefore. A bare perusal of the said provision would make it explicitly clear that persons like the deceased in the present case would step into the shoes of the owner of the vehicle.

22. In a case wherein the victim died or where he was permanently disabled due to an accident arising out of the aforesaid motor vehicle in that event the liability to make payment of the compensation is on the insurance company or the owner, as the case may be as provided under Section 163-A of the MV Act. But it is proved that the driver is the owner of the motor vehicle, in that case the owner could not himself be a recipient of compensation as the liability to pay the same is on him. This proposition is absolutely clear on a reading of Section 163-A of the MV Act. Accordingly, the legal representatives of the deceased who have stepped into the shoes of the owner of the motor vehicle could not have claimed compensation under Section 163-A of the MVA.”

6. In the instant case, therefore, deceased- Ishwar Prasad Chandravanshi, not being a third party, the claim petition filed by the claimants, who are his parents itself was not maintainable in the eye of law.

7. For the reasons mentioned above, the appeal being devoid of merits is liable to be and is hereby dismissed. No order as to costs.

Sd/-
(Sachin Singh Rajput)
Judge