



2026:CGHC:10364



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 856 of 2016**

1 - Ganesh Singh S/o Beegan Ram, Aged About 47 Years, Caste Gond, R/o Village Bhagwanpur Kenapara, P.S. Chalgali, Post Bartikala, District Balrampur-Ramanujganj, Chhattisgarh.....Owner of The Vehicle,

2 - Pratosh Singh Gond, S/o Somaru Singh Gond, Aged About 30 Years, R/o Village Bhagwanpur Kenapara, P.S. Chalgali, Post Bartikala, District Balrampur-Ramanujganj, Chhattisgarh.....Driver of The Vehicle

--- Appellants**versus**

1 - Sushila W/o Late Shri Umesh Singh Ayam, Aged About 22 Years,

2 - Akansha @ Rajkumari Ayam, D/o Late Shri Umesh Singh Ayam, Aged About 2 months,

Respondent No.2 is minor and therefore through her natural guardian Mother Sushila, W/o Late Shri Umesh Singh Ayam, Aged about 22 years,

Respondent Nos.1 & 2 are R/o Village Barpatiya, Post Ramkola, P.S. Ramkola, Tahsil Pratappur, District Surajpur, Chhattisgarh.....Claimants

3 - Bharti AXA General Insurance Company Limited, 6th Floor, Megamall, Mall Road, Kanpur 208001, (0512-3099500-99 Bharti AXA General Insurance Company Limited).....Non Applicant No. 3

4 - Lalman, S/o Hiran Gond, Aged About 55 Years,

5 - Budhmaniya, W/o Lalman, Aged About 50 Years,

Respondent No.4 & 5 are Caste Gond, R/o Village Barpatiya, Post Ramkola, Tahsil Pratappur, District Surajpur, Chhattisgarh

--- Respondents

For Appellants	:	Smt. Seema Mishra, Advocate on behalf of Mr. Jitendra Shrivastava, Advocate
For Respondent No.3	:	Mr. Harshmander Rastogi, Advocate on behalf



		of Mr. Nilesh Kumar Thakur, Advocate
For Respondent No.4 & 5 :		Ms. Aditi Tripathi, Advocate on behalf of Mr. D.N. Prajapati, Advocate
For Respondent No.1 & 2 :		None

Hon'ble Shri Justice Radhakishan Agrawal

Order on Board

27.02.2026

1. This appeal has been filed by the appellant/owner and driver under Section 173 of the Motor Vehicles Act, 1988 against the award dated 31.03.2016 passed by the learned Additional Motor Accident Claims Tribunal, Pratappur, District Surajpur (C.G.) in Motor Accidents Claim Case No.33/2014, whereby the Tribunal awarded total compensation of Rs. 5,02,200/- with interest, fastening the liability upon the Non-Applicants No.1 & 2 jointly and severally.
2. As per the averments made in the claim petition, on 14.08.2014, Umesh Singh Aayam (deceased hereinafter), was working in the agricultural field. At that time, Non-Applicant No.2/ Pratosh Singh, who was driving the tractor bearing Engine No.F47116, Chassis No.921813171804 (hereinafter referred to as 'the offending vehicle') in a rash and negligent manner and in that event, the said tractor turned turtle on the body of the deceased, as a result of which he sustained severe injuries and died on the spot. At the time of accident, the offending vehicle was owned by Non-applicant No.1 – Ganesh Singh and insured with Non-applicant No.3 – Bharti AXA General Insurance Company Limited.
3. Upon the claim petition being filed by the claimants under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs. 28,14,000/-, it was, *inter alia*, pleaded that at the time of the accident, the deceased was aged about 23 years and was earning Rs. 6,000/-



per month by working as a labourer. The learned Claims Tribunal, after considering the evidence adduced by the parties, passed the award as mentioned in paragraph 1 of this judgment.

4. Learned counsel for the appellants/ owner and driver of the offending vehicle, submits that the impugned award passed by the learned Claims Tribunal, fastening liability upon the appellants / owner and driver without proper appreciation of the evidence and material available on record, is erroneous and unsustainable in law. She further submits that the offending vehicle was duly insured with Non-Applicant No.3/Insurance Company on the date of the accident and the same is evident from the insurance policy (Ex.P-8) wherein the period of effective insurance policy is mentioned as 13.08.2014 to 12.08.2015, and the date of accident is 14.08.2014. In addition, the policy verification letter (Ex.D-10) which is issued by the Non-Applicant No.3/Bharti AXA General Insurance Co. Ltd., wherein it is specifically mentioned that the date of risk cover starts from 13.08.2014 to 12.08.2015. She further submits that finding recorded by the learned Claims Tribunal in paragraph 15 and 16 of the impugned award with regard to effectiveness of the insurance policy, is erroneous. Hence, the appellants cannot be held liable to pay the compensation.
5. Learned counsel for the Respondent No.3/insurance company supports the impugned award and submits that at the time of the accident, the offending vehicle was not duly insured with the Insurance Company, and the learned Claims Tribunal, after proper appreciation of the evidence available on record, has rightly fastened the liability upon the owner and driver of the offending vehicle.



6. Learned counsel for the Respondent Nos. 1 & 2/ claimants, while admitting that no separate appeal has been preferred by them against the impugned award, supports the impugned award.
7. Heard learned counsel for the parties and perused the material available on record.
8. The question that arises for consideration is whether the learned Claims Tribunal was justified in fastening the liability upon the owner and driver of the offending vehicle.
9. On the basis of the statement of the claimants and the documents submitted by the police authorities, including the FIR (Ex.P-2), spot map and charge-sheet, the learned Claims Tribunal recorded a clear finding that the deceased died as a result of the accident caused by the offending vehicle. This finding regarding the involvement of the offending vehicle and the death arising out of the said accident has not been challenged and, therefore, the same stands established.
10. So far as the insurance policy of the offending vehicle is concerned, the seizure memo prepared during investigation shows that a copy of the insurance policy was seized and placed on record along with the final report. The certified copy of the policy (Ex.P-8), duly attested by Station House Officer, Police Station Chalgali, District - Balrampur and exhibited before the Tribunal, reveals that the offending vehicle was insured for the period from 13.08.2014 to midnight of 12.08.2015. The learned Claims Tribunal, however, erred in holding that since 15.08.2014 was a public holiday for Government and semi-Government offices, the policy could not have been issued. The said reasoning is not sustainable, as the material question was whether the policy was valid and in force on the date of accident and not whether 15.08.2014 was a



holiday. A plain reading of the policy clearly shows that the risk commenced from 13.08.2014 and continued up to midnight of 12.08.2015. Furthermore, the verification letter issued by the Insurance Company (Ex.D-10) also confirms that the policy was effective on the date of accident. Therefore, it is held that the offending vehicle was duly insured with the Non-Applicant No.3/insurance company and the policy was valid at the time of the accident, and as such, the contrary finding recorded by the learned Claims Tribunal is liable to be modified.

11. Consequently, the Insurance Company is liable to indemnify and pay the compensation to the claimants as awarded by the Tribunal, and the owner and driver of the offending vehicle stand exonerated from the liability. Rest of the conditions of impugned award shall remain intact.

12. In the result, the appeal is allowed. No order as to costs.

Sd/-

(Radhakishan Agrawal)
Judge

Prakash