



2026:CGHC:2930

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1444 of 2019

1 - Santan S/o Likhudas Banjare Aged About 30 Years R/o Ward No. 9, Kobiya, Bemetara, Tahsil And District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

2 - Revti Banjare W/o Santan Banjare Aged About 29 Years R/o Ward No. 9, Kobiya, Bemetara, Tahsil And District- Bemetara, Chhattisgarh.....(Applicants), District : Bemetara, Chhattisgarh
... Appellants

versus

1 - Sanju Tandon S/o Barelal Tandon Aged About 21 Years R/o Ward No. 9, Kobiya, Bemetara, Tahsil And District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

2 - Barelal Tandon (Died) And Deleted As Per Hon'ble Court Order Dated 25-09-2025 And 19-11-2025

3 - The Oriental Insurance Company Limited Through The Branch Manager, Branch Bemetara, Address- First Floor, Over Modern Book Depo,in Front Of Post Office, Ram Mandir Ward, Main Road, Bemetara, Tahsil And District- Bemetara, Chhattisgarh.....(Non-Applicnat), District : Bemetara, Chhattisgarh

... Respondents

For Appellants/Claimants	: Mr. Sanjeev Kumar Sahu, Advocate
For respondent No.1	: Mr. Arvind Prasad, Advocate holding the brief of Mr. Samir Singh, Advocate
For respondent No.3/Insurance	: Mr. Deepak Gupta, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

19.01.2026

1) Heard.

2) The appellants/claimants have filed this appeal under Section 173 of the Motor Vehicles Act, 1988 assailing an award passed by the learned

Motor Accidents Claims Tribunal, Bemetara(C.G.) in Claim Case No.87/2018 dated 18.07.2019 whereby, the learned Tribunal dismissed the claim petition.

- 3) The facts in brief are that on 12.02.2018 at around 9:00 a.m. while the deceased Khemraj, aged about 3 years was playing in a stationary tractor loaded with straw bearing registration No.C.G.07-NA-6548, fell down, sustained injuries and succumbed to death.
- 4) The claimants, who are parents of the deceased filed a claim case under Section 166 of the Motor Vehicles Act and claimed a sum of Rs.7,50,000/-. The owner and driver of the vehicle filed reply and denied the claim averments. They pleaded that the tractor was stationary and deceased himself was negligent.
- 5) It is not in dispute that the vehicle was not insured on the date of accident.
- 6) Mr. Sahu, learned counsel appearing for the appellants/claimants would submit that due to negligence on the part of the owner and driver of the tractor, the deceased fell down and succumbed to death. He would further submit that the learned Tribunal should have allowed the claim petition.
- 7) On the other hand, learned counsels appearing for the respondents would oppose the submissions made by Mr. Sahu. They would submit

that the learned Tribunal after appreciating oral and documentary evidence, dismissed the claim petition and appeal deserves to be dismissed.

- 8) I have heard the learned counsel appearing for the parties and perused the record with utmost circumspection.
- 9) The deceased met with an accident on 12.02.2018. An FIR was lodged on 02.07.2018. In FIR, it is specifically stated that the deceased aged about 3 years was playing on the stationary tractor and unfortunately he fell down and sustained injuries.
- 10) Rewati Banjare (AW1) admitted the fact that the deceased aged about 3 years was playing on a tractor. She further stated that he fell down and succumbed to death. In cross-examination, this witness stated that she was not an eyewitness to the incident.
- 11) Bharat Yadav (AW2) stated that the tractor was loaded with straw and it was stationary. This witness stated that the deceased was playing on the tractor and he fell down, resultantly, lost his life.
- 12) A perusal of the documentary as well as oral evidence would reveal that there was no negligence on the part of the driver of the offending tractor and the deceased himself fell down from stationary tractor and sustained injuries and succumbed to death. Therefore, learned Tribunal rightly dismissed the claim petition.

13) Taking into consideration the above-stated facts, I do not find any good ground to interfere with the award passed by the learned Tribunal. Consequently, this appeal fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Rekha