



2026:CGHC:14771

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1531 of 2019**

1 - Rupesh Kumar Markande S/o - Budhram Markande Aged About 25 Years R/o - Village Dhekuna, P.S. Simga, District Balodabazar-Bhatapara Chhattisgarh (Appellant Claimant), District : Balodabazar-Bhatapara, Chhattisgarh

... Appellant**versus**

1 - Chhedi Lal Mirjha S/o -Deo Charan Mirjha Aged About 55 Years R/o - Village Tikuliya, Tahsil Bhatapara, Police Station - Bhatapara (Gramin) District Balodabazar-Bhatapara Chhattisgarh (Legal Representative And Guardian/father Of Deceased Ramawater Mirjha The Owner And Driver Of Motor Cycle No. C.G. 22/3812), District : Balodabazar-Bhatapara, Chhattisgarh

2 - Vikas Paal S/o - Chandrashekhar Paal Aged About 55 Years R/o -Village Vishrampur, Police Station Simga, District Balodabazar-Bhatapara Chhattisgarh (Registered Owner Of Motor Cycle Bulet No. C.G.04 Lg3041), District : Balodabazar-Bhatapara, Chhattisgarh

3 - United India Insurance Co. Ltd. Through Regional Manager-
United India Insurance Co. Ltd. Address- Station Road,
Bhatapara,district - Balodabazar-Bhatapara Chhattisgarh
(Insurer Of Bulet Moter Cycle No. C.G. 04 Lg 3041), District :
Balodabazar-Bhathapara, Chhattisgarh

... Respondent(s)

For Appellant	: Mr. S.P. Sannat on behalf of Mr. Basant Kaiwartya, Advocate
For Respondent No. 1	: Mr. Rakesh Thakur, Advocate
For Respondent No. 2	: Mr. A.S. Rajput, Advocate
For Respondent No. 3	: Ms. Prerana Agrawal on behalf of Mr. Sudhir Agrawal, Advocates

SB- Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

30.03.2026

1. The appellant/injured has preferred this appeal under Section 173 of Motor Vehicle Act, 1988 questioning the impugned award dated 06/05/2019 passed by the learned Additional Motor Vehicle Accident Claims Tribunal, Bhatapara, District Baloda Bazar – Bhatapara (C.G.) in Claim Case No. H-05/2018 whereby the application filed by the appellant has been dismissed finding no merit.
2. Learned counsel for the appellant submits that the Claims Tribunal is absolutely unjustified in dismissing the claim application filed by the appellant by recording a finding

which is perverse and contrary to the record, as such, the impugned award is liable to be set aside.

- 3.** Learned counsel for the respondents would support the impugned award and submit that learned Claims Tribunal has rightly rejected the claim application of the appellant and it requires no interference by this Court, hence, the instant appeal is liable to be dismissed.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 5.** A careful perusal of the record would show that learned Claims Tribunal has clearly recorded a finding that in the accident in question, the appellant, who was driving the motorcycle bearing Registration No. CG 04 LG 3041, himself dashed the motorcycle bearing Registration No. CG 22/3812 due to which he suffered injuries while the driver of the other motorcycle succumbed to his injuries and died even though there was no negligence on his part. Furthermore, there was no personal accident cover in the insurance policy of the appellant's motorcycle, therefore, the Insurance Company would not be liable for payment of compensation. As such, the Claims Tribunal has rightly rejected the claim of the appellant. I do not find any merit in this matter.

- 6.** Accordingly, the instant appeal stands dismissed leaving the parties to bear their own cost(s).

**Sd/-
(Sanjay K. Agrawal)
Judge**

Harneet