



2026:CGHC:3717

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1726 of 2018**

1 - Dilip Verma S/o Shri Domar Singh Verma Aged About 31 Years R/o Village- Sarseni, Police Station- Suhela, District- Balodabazar, Chhattisgarh, (Driver Of The Offending Vehicle Tractor Bearing No. C.G. 04 D.M. 1113 With Trolley).

2 - Domar Singh Verma S/o Shri Sakharam Verma Aged About 60 Years R/o Village- Sarseni, Police Station- Suhela, District- Balodabazar, Chhattisgarh. (Owner Of The Offending Vehicle Tractor Bearing No. C. G. 04 D. M. 1113 With Trolley).

... Appellants.**versus**

1 - Smt Sudhara Bai W/o Late Panch Ram Bharti Aged About 42 Years.

2 - Chumman Lal S/o Late Panch Ram Bharti Aged About 17 Years.

3 - Chain Singh S/o Late Panch Ram Bharti Aged About 15 Years.

4 - Jai Singh S/o Late Panch Ram Bharti Aged About 13 Years.

5 - Amish Bharti S/o Late Panch Ram Bharti Aged About 11 Years.

Minor nos.2 to 5 Represented By Their Next Friend And Mother Smt. Sudhara Bai.

All R/o R.D.A. Colony, Police Station- D.D. Nagar, District- Raipur, Chhattisgarh. (Claimants)

... Respondents.

For Appellants	:	Shri Sunil Tripathi, Advocate.
For Respondent Nos.1 to 5	:	Ms. Shaleeni Jangde appears on behalf of Shri AL Singroul, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****21/01/2026**

1. This Miscellaneous Appeal under Section 173 of Motor Vehicles Act has been preferred against the impugned award dated 29.11.2016

passed by 3rd Motor Accident Claim Tribunal, Raipur District Raipur C.G. in Claim Petition No.340/2014 whereby, learned Tribunal awarded compensation to the tune of Rs.7,33,400/- in favour of the claimants/Respondent No.1 to 5.

2. Facts briefly stated are that on account of accidental death of Panch Ram Bharti who was the husband of Respondent No.1 and father of other respondents, respondents filed application under Section 166 of the Motor Vehicle Act claiming grant of compensation to the tune of Rs.18,50,000/-. It is not in dispute that the tractor and trolley registered as C.G. 04DM 1113 belongs to Appellant no. 2 and same was driven the time of accident by Appellant no. 1. Further, it is also not in dispute that deceased Panch Ram Bharti was travelling in the vehicle Sumo bearing registration no. C.G. 04, ZD 8799. Claimants pleaded in the application that, on 16.04.2011 deceased Panch Ram Bharti who was sitting in said Sumo vehicle was going Baloda Bazar from Bamhanidih, then just from the opposite side, the aforesaid tractor along with the trolley was coming driven by Appellant no. 1 and dashed to the Sumo vehicle head on. On account of the same, Panch Ram Bharti sustained grievous injury on his various parts of body and died. At the time of the accident, deceased was aged about 44 years and working as a "Raj Mistri" and earning of the deceased was Rs. 300/- per day, but on account of premature death, the claimants/ respondents claimed Rs, 18,50,000/-.
3. The appellants after receiving notices from the learned claims tribunal, filed their joint written statement and raised the defense that, accident took place on account of rash and negligent driving of the Sumo vehicle and the claimants did not made Insurer of the sumo vehicle as

a party in the claim petition whereas the said sumo was insured, hence the petition is not maintainable on account of non-joinder of the party. The appellants had also raised the plea that the accident took place when the tractor and trolley was parked as the son of Appellant no. 2 left the starting of the aforesaid tractor for passing the urine, at the same time, the driver of the sumo vehicle who was coming from the back side of the tractor and trolley drove the vehicle in rash and negligent manner and dashed the trolley of the tractor from the back side, therefore, there is no negligence on the part of driver of the tractor and trolley.

4. Learned claims tribunal framed as many as four issues and recorded the evidence of the respective parties, and held liable to the appellants and awarded the amount of compensation as Rs. 07,33,400/- along with the interest of 6% from the date of filing of claim petition till the amount is actually realized. Hence this Appeal.
5. Learned counsel for the appellants during the course of argument has fairly submitted that the offending vehicle was not insured.
6. I have heard learned counsel for the appellants as well as counsel appearing on behalf of Respondent Nos.1 to 5 i.e. the claimants.
7. From perusal of the impugned award, it appears that the offending vehicle i.e. Tractor and Trolley bearing No. CG 04 DM 1113 was not insured by the Insurance Company. Accordingly, except the appellants/owner and driver of offending vehicle, no one can be held liable to pay compensation on account of accident occurred due to rash and negligent driving of offending vehicle.
8. The concerned Tribunal has rightly appreciated this aspect and has fastened the liability upon the owner and driver of the offending vehicle.

9. Accordingly, there is no illegality or perversity in the award passed by the Tribunal while fastening liability upon the owner and driver of the offending vehicle.
10. In view of the aforesaid, The Appeal being sans merit is liable to be dismissed.
11. Resultantly, without entering into further merits of the case, the Appeal is dismissed and the award passed by the Tribunal is affirmed.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash