



2026:CGHC:3812



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1713 of 2023**

ICICI Lombard General Insurance Company Ltd. Through The Branch Manager,  
Branch Office Vanijya Bhavan, Ground Floor, Devendra Nagar Road, Raipur,  
District Raipur, Chhattisgarh (Insurance Company). **... Appellant**

**versus**

**1** - Baijanti Bai W/o Late Lahar Singh Kunjam Aged About 60 Years R/o Gram  
Muhkot, Ward No. 7, Thana Khallari, Tehsil Nagari, Disrtict- Dhamtari, C.G.  
(Claimants).

**2** - Kalendri W/o Late Jairam Kunjam Aged About 36 Years R/o Gram Muhkot,  
Ward No. 7, Thana Khallari, Tehsil Nagari, Disrtict- Dhamtari, C.G. (Claimants)

**3** - Kamleshwari D/o Late Jairam Kunjam Aged About 18 Years R/o Gram  
Muhkot, Ward No. 7, Thana Khallari, Tehsil Nagari, Disrtict- Dhamtari, C.G.  
(Claimants)

**4** - Maheshwari D/o Late Jairam Kunjam Aged About 16 Years Minor To Be  
Represented By Their Guardian Mother, Respondent No. 2 I.E. Kalendri W/o  
Late Jairam Kunjam), R/o Gram Muhkot, Ward No. 7, Thana Khallari, Tehsil  
Nagari, Disrtict- Dhamtari, C.G. (Claimants)

**5** - Durga D/o Late Jairam Kunjam Aged About 14 Years Minor To Be  
Represented By Their Guardian Mother, Respondent No. 2 I.E. Kalendri W/o  
Late Jairam Kunjam), R/o Gram Muhkot, Ward No. 7, Thana Khallari, Tehsil  
Nagari, Disrtict- Dhamtari, C.G. (Claimants)

**6** - Omprakash S/o Late Jairam Kunjam Aged About 9 Years Minor To Be  
Represented By Their Guardian Mother, Respondent No. 2 I.E. Kalendri W/o  
Late Jairam Kunjam), R/o Gram Muhkot, Ward No. 7, Thana Khallari, Tehsil  
Nagari, Disrtict- Dhamtari, C.G. (Claimants)

**7** - Sachin Nagarchi S/o Satanand Nagarchi Aged About 41 Years R/o Gram  
Mujgahan, Thana Arjuni, Disrtict- Dhamtari, C.G. (Driver)



**8 -** Ajay Kumar S/o Sahdev Sinha Aged About 42 Years R/o Gram Acholi, Thana And District- Nagri, Disrtict- Dhamtari, C.G. (Owner)

**... Respondent(s)**

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**For Appellant** : Mr. Shekhar Rao Saheb Amin, Advocate

**For Respondent(s)** : None though served.

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**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Judgment on Board**

**22/01/2026**

1. The appellant/Insurance Company has preferred this appeal challenging the award passed by the learned Additional Motor Accident Claims Tribunal, Dhamtari, District Dhamtari in Claim Case No. 177/2021 dated 05.05.2023, whereby the learned Tribunal has granted compensation to the tune of Rs. 20,91,400/- with interest @ 6% per annum on account of the death of Jayram Kunjam.
2. The brief facts of the case are that on 09.04.2021, deceased Jayram Kunjam was a pillion rider on a motorcycle bearing registration No. CG-05-AG-7203. He was going from village Muhkot to village Dongardula to attend a marriage alongwith Kailash Markam & Bhuneshwar Netam. The motorcycle was dashed by a pick-up vehicle bearing registration No. CG-19-H-0775. Resultantly, deceased Jayram Kunjam, Kailash Markam, and Bhuneshwar Netam sustained grievous injuries, and Jayram Kunjam and Kailash Markam succumbed to death. Morgue intimation was registered on same date and thereafter an FIR was registered against an unknown pick-up vehicle.
3. The driver and owner of the offending vehicle filed their reply and denied the contents of the claim petition. They pleaded that the rider of the motorcycle, namely Kailash Markam was negligent. They further



pleaded that the driver of the offending vehicle had a valid and effective driving licence and the vehicle was insured with the Insurance Company. The Insurance Company filed its reply and took a plea that the driver of the offending vehicle did not have a valid and effective driving licence and the vehicle was being plied in absence of a valid permit and fitness. Issues were framed, parties led evidence, and the award was passed.

4. Learned counsel appearing for the appellant would submit that it is a case of false implication of the vehicle. He would further submit that an FIR was registered against an unknown pick-up vehicle and the claimant could not adduce evidence to substantiate that the offending vehicle was involved in the accident. He would contend that the police submitted the final report against the driver of the offending vehicle without any foundation; thus, he prayed for setting aside the award.
5. Heard learned counsel for the parties and perused the record.
6. The deceased met with an accident on 09.04.2021. Morgue intimation was registered on the same date, wherein it is specifically stated that the driver of an unknown pick-up vehicle dashed the motorcycle and deceased Jayram Kunjam died. The FIR was registered on the basis of the morgue intimation against the driver of an unknown pick-up vehicle. The police investigated the matter, seized the offending vehicle, and the driver was arrested on 12.09.2021, thereafter the final report was filed. An application was moved by the owner of the offending vehicle for grant of interim custody of the offending vehicle, which was allowed by the competent criminal Court.
7. The driver, owner, as well as the Insurance Company failed to make any complaint before the superior police authority against registration of the FIR, seizure of the offending vehicle, or arrest of the driver of the offending vehicle. The police filed the charge-sheet, and thereafter the



owner of the offending vehicle moved an application for grant of interim custody before the competent Criminal Court.

8. Hon'ble Supreme Court in the matter of ***Geeta Dubey and Ors. vs. United India Insurance Co. Ltd. and Ors.*** (AIR 2025 SC 386)

while dealing with the similar issue held as under :-

**"20.** Firstly, it is well settled that in claim cases, in case the accident is disputed or the involvement of the vehicle concerned is put in issue, the claimant is only expected to prove the same on a preponderance of probability and not beyond reasonable doubt. [See Sajeena Ikhbal and Others, V. Mini Babu George and Others, (2024) SCC OnLine SC 2883]. We also deem it appropriate to extract the following paragraphs from the judgment of this Court in Bimla Devi & Ors. V. Himachal Road Transport Corporation & Ors., (2009) 13 SCC 530. Repelling similar contentions raised challenging the accident and the involvement of the vehicle in question, this Court held as follows:

**"14.** Some discrepancies in the evidence of the claimant's witnesses might have occurred but the core question before the Tribunal and consequently before the High Court was as to whether the bus in question was involved in the accident or not. For the purpose of determining the said issue, the Court was required to apply the principle underlying the burden of proof in terms of the provisions of Section 106 of the Evidence Act, 1872 as to whether a dead body wrapped in a blanket had been found at the spot at such an early hour, which was required to be proved by Respondents 2 and 3.

**15.** In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into



consideration the respective stories set forth by both the parties.

**16.** The judgment of the High Court to a great extent is based on conjectures and surmises. While holding that the police might have implicated the respondents, no reason has been assigned in support thereof. No material brought on record has been referred to for the said purpose.”

- 9.** In the aforesaid judgment, the Hon’ble Supreme Court held that in motor accident compensation cases, the claimant is not required to prove the involvement of the vehicle beyond reasonable doubt, as is required in criminal proceedings. The claim is required to be established only on the basis of preponderance of probabilities.
- 10.** In light of the foregoing discussion and the settled legal principles established by the Hon’ble Supreme Court, no case is made out to interfere with the award impugned. Accordingly, this appeal fails and is hereby **dismissed**. No order as to cost(s).

Sd/-

**Rakesh Mohan Pandey**

**JUDGE**