



2026:CGHC:15180



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2158 of 2024

Ramchand Sahu S/o Mansharam Sahu Aged About 47 Years R/o Village-Magarlotha, Post- Tedhesara, Tehsil And District- Durg, C.G. (Alleged Owner)
(Correct Spelling Mentioned)

--- Appellant

versus

1 - Krishna Sahu S/o Toman Lal Sahu Aged About 22 Years R/o Kodhenvagaon, Post- Khairagarh, P S And Tehsil- Khairagarh Gandai, Now District- Khairagarh- Chhuikhadan-Gandai, C.G. (Driver)

2 - Toman Lal Sahu S/o Late Lokuram Sahu Aged About 56 Years R/o Kodhenvagaon, Post- Khairagarh, P S And Tehsil- Khairagarh Gandai, Now District- Khairagarh- Chhuikhadan-Gandai, C.G. (Owner)

3 - Smt. Kaushilya Bai W/o Late Jeevrakhan Verma Aged About 65 Years R/o Kodhenvagaon, Post- Khairagarh, P S And Tehsil- Khairagarh Gandai, Now District- Khairagarh- Chhuikhadan-Gandai, C.G. (Claimant)

4 - Ajesh Verma S/o Late Jeevrakhan Verma Aged About 32 Years R/o Kodhenvagaon, Post- Khairagarh, P S And Tehsil- Khairagarh Gandai, Now District- Khairagarh- Chhuikhadan-Gandai, C.G. (Claimant)

5 - Amaru Verma S/o Late Jeevrakhan Verma Aged About 30 Years R/o Kodhenvagaon, Post- Khairagarh, P S And Tehsil- Khairagarh Gandai, Now District- Khairagarh- Chhuikhadan-Gandai, C.G. (Claimant)

--- Respondents

For Appellant	: Mr. Shobhit Koshta, Advocate.
For Respondent No. 1	: Mr. Anukul Biswas, Advocate.
For Respondent No. 2	: None present.



For Respondents No. 3 to 5 : Ms. Anushka Tripathi, Advocate.

And

MAC No. 1889 of 2024

Krishna Sahu S/o Toman Lal Sahu Aged About 22 Years R/o Village -
Kodenawagaon, Post - Khairagarh, Police Station And Tahsil - Khairagarh,
Gandai, District Rajnandgaon, Now Khairagarh-Chhuikhadan-Gandai,
Chhattisgarh. (Driver) (Non Applicant No. 1)

---Appellant

Versus

1 - Smt. Kaushilya W/o Late Jeevrakhan Verma, Aged About 65 Years R/o
Village -Kodenawagaon, Post - Khairagarh, Police Station And Tahsil -
Khairagarh, Gandai, District Rajnandgaon, Now Khairagarh-Chhuikhadan-
Gandai, Chhattisgarh. (Claimants)

2 - Ajesh Verma S/o Late Jeevrakhan Verma Aged About 32 Years R/o
Village -Kodenawagaon, Post - Khairagarh, Police Station And Tahsil -
Khairagarh, Gandai, District Rajnandgaon, Now Khairagarh-Chhuikhadan-
Gandai, Chhattisgarh. (Claimants)

3 - Amru Verma S/o Late Jeevrakhan Verma Aged About 30 Years R/o
Village -Kodenawagaon, Post - Khairagarh, Police Station And Tahsil -
Khairagarh, Gandai, District Rajnandgaon, Now Khairagarh-Chhuikhadan-
Gandai, Chhattisgarh. (Claimants)

4 - Toman Lal Sahu S/o Late Lokuram Sahu, Aged About 56 Years R/o
Village -Kodenawagaon, Post - Khairagarh, Police Station And Tahsil -
Khairagarh Gandai, District Rajnandgaon, Now Khairagarh-Chhuikhadan-
Gandai, Chhattisgarh. (Non-Applicant No. 2)

5 - Ramchandra Sahu S/o Mansharam Sahu Aged About 47 Years R/o
Village Magarlota, Post - Tedesara, Tahsil And District -Durg, Chhattisgarh.
(Non-Applicant No. 3)

--- Respondents



For Appellant : Mr. Anukul Biswas, Advocate
For Respondents No. 1 to 3 : Ms. Anushka Tripathi, Advocate.
For Respondents No. 2 & 4 : None present.
For Respondent No. 5 : Ms. SiddhiTiwari, Advocate.

{Hon'ble Mr. Justice Sachin Singh Rajput}

Order on Board

01/04/2026

1. In these two appeals, an award dated 25.07.2024 passed by the Upper Motor Accident Claims Tribunal, Khairagarh, Revenue District Khairagarh-Chhuikhadan-Gandai (C.G.), Civil District Rajnandgaon (C.G.) in Claim Case No. 64 / 2022 is under challenge, thus, they are being heard together and decided by this common order.
2. The appellant in MAC No. 2158 of 2024 is registered owner of offending vehicle Tractor bearing registration No. CG. 08 C. 9086 whereas Appellant in MAC No. 1889 / 2024 is driver of the said offending vehicle. Respondent -Toman Lal Sahu is subsequent purchaser of offending vehicle. [For the sake of convenience, parties would be referred to as per their status shown before the Claims Tribunal].
3. A claim application under Section 166 of the Motor Vehicles Act, 1988 (henceforth, "MV Act, 1988") has been filed by the claimants before the Claims Tribunal seeking compensation on account of death of deceased – Amar Verma in an accident that occurred on 02.07.2018 by rash & negligent driving of the offending vehicle Tractor bearing registration No. C.G. 08 C.9086 by its driver, which was registered in the name of registered owner and was alleged to be sold to the subsequent purchaser. The deceased was



said to be a labourer, earning Rs.250/- per day, thus, total compensation of Rs. 18,00,000/- was claimed by the claimants by filing application under Section 166 of the MV Act, 1988.

4. By filing joint written statement, driver & subsequent purchaser of the offending vehicle denied the averments made in the claim application. Registered owner also filed written statement and denied the averments made in the claim petition stating that the offending vehicle was in his ownership till 2016 and on 02.06.2016, it was handed over to one Kamleshwar Prasad Sahu through Shri Tractor Agency, Akash Home Rajnandgaon after paper works. From 31.03.2021, subsequent purchaser obtained possession of the said vehicle and agreement to that effect was also executed, as such, it was incumbent upon the subsequent purchaser to comply with the necessary proceedings for registration of the offending vehicle in his name. As on the date of accident, offending vehicle was in physical possession of the subsequent purchaser, therefore, the registered owner cannot be held liable for payment of compensation.

5. The Claims Tribunal framed as many as four issues on the basis of above broad pleadings made in the claim application and after appreciating the oral and documentary evidence available on record, above stated compensation has been awarded.

6. Learned counsel for the registered owner and driver of the offending vehicle submit that learned Claims Tribunal committed an error of law in saddling the liability of payment of compensation upon them. They submit the accident could not be proved by leading cogent and prudent evidence. Apart from this, the amount of compensation awarded by the Claims Tribunal in favour of the claimants also appears to be on higher side, which deserves to the reduced suitably.



7. Learned counsel for the registered owner would submit that as offending vehicle was subsequently sold and to prove the said fact, an application under Order 41 Rule 27 of the CPC has been filed along copy of agreement entered into between the registered owner and subsequent purchaser to show that offending vehicle was already sold to the subsequent purchase, thus, liability of payment of compensation cannot be fastened upon the registered owner of the offending vehicle and prays for dismissal of claim application by allowing these appeals.

8. Ms. Anushka Tripathi, learned counsel for the respondents/claimants would submit that amount of compensation awarded by the Claims Tribunal is just & proper, which does not call for any interference. She further submits that the accident has been duly proved and the dispute involved in the instant case is *inter-se* dispute between the registered owner and the subsequent purchaser and the claimants shall not be allowed to suffer on account of such dispute.

9. I have heard learned counsel for the parties and perused the material available on record including record of the Claims Tribunal.

10. The first contention raised by the learned counsel for the appellants is that the claimants could not prove the occurrence of the accident.

11. From the perusal of record, it is quite evident that report was lodged against the driver of the offending vehicle, due investigation was carried out and after usual investigation, charge-sheet was also filed. Thus, relying upon the principle of law laid by Hon'ble Supreme Court in case of **Bimla Devi & others vs. Himachal State Transport Corporation and others**¹, this Court is not in agreement with the submission of learned counsel for the appellants

1 (2009) 13 SCC 530



so made, as in **Bimla Devi'** case (supra), Hon'ble Supreme Court has clearly held that in a claim case, strict evidence on the point of accident cannot be expected from the claimants; merely showing preponderance of probabilities is sufficient. Accordingly, the above-said submission deserves to be and is hereby rejected.

12. The second contention raised by learned counsel for the appellants that the amount of compensation awarded by the Claims Tribunal is on higher side, which deserves to be reduced suitably.

13. The Claims Tribunal after appreciating the oral and documentary evidence available on record, has awarded a total compensation of Rs. 9,84,000/- alongwith interest @ 7.5 % payable within a period of 30 days from the date of filing of claim application.

14. Deceased – Amar Verma was said to be aged about 19 years at the time of accident and the claimants are unfortunate mother and two elder brothers of deceased. The accident had occurred on 02.07.2018 and monthly income of deceased was found to be Rs.6,000/-, which by no stretch of imagination, can be said to be on higher side, thus, the aforesaid contention raised by the appellants is hereby rejected.

15. Lastly, Mr. Shobhit Koshta, learned counsel for the appellant/ owner vehemently argued that since the offending vehicle was subsequently sold to subsequent purchaser, therefore, liability of payment of compensation cannot be saddled upon the registered owner of the offending vehicle. This submission is also liable to be rejected in light of the judgment of the Supreme Court in the matter of **Naveen Kumar Vs. Vijay Kumar & others**², wherein it has been held that where a registered owner of vehicle, despite transferring /selling his vehicle to another person continues to be reflected in

² (2018) 3 SCC 1



records of Registering Authority as owner of that vehicle, he would be treated as owner of the vehicle for purposes of MV Act and would not stand absolved of his liability as owner under the said Act. To hold otherwise would be to defeat the salutary object and purpose of MV Act, 1988.

16. Mr. Shobhit Koshta, Advocate for the appellant/owner in MAC No. 2158 of 2024 could not dispute that despite the vehicle being sold to a subsequent purchaser, appellant - Ramchand Sahu still remained the registered owner of the offending vehicle. Therefore, the aforesaid contention is cannot be accepted and is liable to be rejected.

17. In light of above, even if the application under Order 41 Rule 27 of the CPC filed by the appellant in MAC No. 2158 of 2024 is allowed, the documents appended with the said application would not make any difference in decision making of these appeals. Hence, application under Order 41 Rule 27 of the CPC filed by the appellant is rejected.

18. Both the appeals, thus, fail and are hereby dismissed.

Sd/-

(Sachin Singh Rajput)
Judge

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