



2026:CGHC:9842



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2307 of 2025**

1 - Shri Manjit Singh Bath S/o Shri Prakash Singh Bath Aged About 50 Years By- Light Transport, Water Tank Complex, G.E. Road Rajnandgaon, District- Rajnandgaon (Chhattisgarh) (Registered Owner)

2 - Vikas Kumar Vasnik S/o Chain Lal Vasnik Aged About 30 Years R/o Village Bhulatola, Police Station Chhuikhadan, District- K.C.G. (Chhattisgarh) (Driver)

... Appellants**Versus**

1 - Vijay Kumar Komre S/o Devsai Komre Aged About 24 Years R/o M.No.- 44, Ward No.- 12, Kamansur Khargaon, Thana- Khargaon, District- Mohla Manpur Ambagarh Chowki (Chhattisgarh) (Claimant)

2 - National Insurance Company Limited By- Divisional Manager, National Insurance Company Limited, G.E. Road Raipur, Tehsil And District- Raipur (Chhattisgarh) (Insurer Of Vehicle Truck No. CG- 08/B-1853)

... Respondents

For Appellants/Owner & Driver	:	Mr. Mayur Khandelwal, Advocate
For Respondent No. 2/ Insurance Company	:	Mr. Pravin Tulsyan, Advocate
For Respondent No.1 / Claimant	:	None, though served

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

25/02/2026

1. Registered owner of the offending Truck bearing registration No. CG-08 / B-1853 and driver (appellants herein) have preferred this appeal challenging the judgment and award passed by the learned IIIrd Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim No. 986/2023 whereby the learned Claims Tribunal has granted



compensation to the tune of Rs.24,23,290/- with interest @ 7% per annum and fastened liability with the owner and driver of the offending vehicle Truck with further stipulation of pay and recover.

2. The facts, in brief, are that on 03.10.2023, at around 12:30 pm, the claimant- Vijay Kumar Komre, Sanjana Tulavi and Anusuiya were going to Rajnandgaon from Village Kamanpur on a motorcycle and when they reached on main road Dongargaon, the driver of the offending Truck bearing registration No. CG-08 / B-1853 by driving it rashly and negligently, dashed against the motorbike, resultantly claimant Vijay Kumar Komre sustained grievous injuries resulting in amputation of left leg below thigh. The claimant remained hospitalized in AIMS Hospital, Raipur from 04.10.2023 to 10.11.2023. There was fracture of thigh bone and after surgery, a rod was inserted. On account of injuries sustained in accident, the fracture and amputation led to permanent disability. The claimant pleaded that at the time of accident, his age was 24 years and earning Rs.12,000/- per month. He claimed a sum of Rs.52,42,000/-.
3. The owner and driver of the offending vehicle-Truck filed reply and took a plea that the rider of the motorbike was negligent. The driver of the offending vehicle-Truck had valid driving licence and vehicle was insured with the Insurance Company.
4. Insurance Company took a plea that the driver of the offending vehicle-Truck did not have valid driving licence and said vehicle was being plied in absence of valid permit and fitness.
5. The learned Claims Tribunal framed issues, parties led evidence and thereafter award was passed.



6. Mr. Mayur Khandelwal, learned counsel appearing for the appellants/owner and driver would submit that the claimant sustained injuries on account of his own negligence. He would submit that the issue of contributory negligence has not been considered properly by the learned Claims Tribunal. He would contend that the claimant was carrying 02 pillion riders in contravention of Motor Vehicle Rules. It is also argued that the claimant did not possess a valid driving licence at the time of accident. Mr. Khandelwal would submit that the claimant failed to implead Insurance Company of the motorbike. It is also argued that the learned Claims Tribunal failed to summons RTO Officer to verify the authenticity of driving licence of driver of offending vehicle-Truck. The burden to prove breach under Section 149 (2) of the Motor Vehicles Act rests squarely on the insurer. He would submit that the driver of the offending vehicle-Truck had possessed licence to drive light and heavy transport vehicles and it was valid from 15.06.2010 to 14.06.2030 and for heavy motor vehicle from 30.07.2021 to 29.07.2026. He would submit that the accident took place on 03.10.2023 and on said date the driving licence was valid. He would submit that the police papers such as F.I.R., chargesheet and seizure memo are not substantive evidence. He would submit that the learned Claims Tribunal committed error of law while exonerating the Insurance Company and fastening the liability with the owner and driver of the offending vehicle Truck. It is also contended that the direction of pay and recover is also bad-in-law. He would pray to set aside the judgment and award passed by the learned Claims Tribunal.
7. On the other hand, Mr. Pravin Tulsyan, learned counsel appearing for respondent No. 2/Insurance Company would submit that the driving



licence of the driver of the offending vehicle-Truck was valid from 15.06.2010 to 13.06.2023 and the appellants herein failed to prove renewal of driving licence. He would contend that the learned Claims Tribunal has categorically held that the driver of the offending vehicle-Truck did not have valid and effective driving licence and that was the reason liability was fastened with the owner and driver. He would submit that the appeal deserves to be dismissed.

8. I have heard learned counsel for the parties and perused the record of the learned Claims Tribunal with utmost circumspection.
9. The claimant met with an accidents on 03.10.2023. F.I.R. was lodged vide Ex.P/2 on 04.10.2023. The offending truck was seized on 06.10.2023 along with registration certificate, fitness certificate, permit and driving licence of the driver. The driving licence No. CG0820100001099 was valid from 15.06.2010 to 13.06.2023. The driver of the offending truck was arrested on 06.10.2023. In the accident, the claimant sustained serious injuries including amputation of left leg below thigh. There was fracture of thigh bone also and a rod was also inserted. The owner and driver though filed reply to the claim petition, but failed to examine any witness.
10. It is argued by counsel appearing for the appellants that the driving licence of the driver of offending vehicle-Truck was valid for LMV from 15.06.2010 to 14.06.2030 and for heavy vehicle (T) from 30.07.2021 to 29.07.2026, but said document was neither produced before the learned Claims Tribunal nor before this Court. In reply to claim petition, the owner and driver of the offending vehicle-Truck failed to plead details of driving licence. It is nowhere stated in reply that the driving licence of the driver was valid and effective on the date of accident. As



there was no driving licence with the driver of the offending vehicle Truck, thus, the learned Claims Tribunal rightly fastened liability with the owner and driver of offending vehicle and exonerated the Insurance Company. As the vehicle was insured with the Insurance Company, the learned Claims Tribunal directed the Insurance Company to satisfy the award and recover it from owner and driver. The finding arrived at by the learned Claims Tribunal with regard to fastening liability with the owner and driver of the offending vehicle-Truck appears to be proper and hereby affirmed. The further direction of the learned Claims Tribunal to the Insurance Company to indemnify the award first and recover it from the owner and driver looking to the facts of the case is hereby affirmed.

11. In the result, the appeal fails and is hereby **dismissed**.

Sd/-
(**Rakesh Mohan Pandey**)
Judge