

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No.126 of 2010

Ram Kumar Das, S/o Late Aaithu Das, R/o Village- Maghna Lilatari,
PO and PS- Jama, District- Dumka. Appellant

Versus

1. Prakash Chandra Manjhi, S/o Late Vimal Chandra Manjhi
2. Damyanti Devi, W/o Late Vimal Chandra Manjhi
3. Nilam Kumari, D/o Late Vimal Chandra Manjhi
4. Punam Kumari, D/o Late Vimal Chandra Manjhi
5. Nutan Kumari, D/o Late Vimal Chandra Manjhi
6. Katil Devi, W/o Harendra Manjhi
All residents of Village- Sultanpur Tikar, PO & PS- Jarmundi
(Hansdiha), District- Dumka.
7. Dinesh Chaudhary, S/o Late Arjun Chaudhary, R/o Shyam Bazar,
PO and PS- Bounsi, District- Banka (Bihar).
8. New India Insurance Company Ltd. through Regional Manager,
Patna Regional Office, Patna, PO and PS- Gandhi Maidan, District-
Patna (Bihar).
9. Tribal Welfare Commissioner, Ranchi, PO- GPO, PS- Sadar,
District- Ranchi. ... Respondents

CORAM : HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : M/s Vani Kumari & Prince Pandey, Advocates
For the Resp. No.7 : Mr. Rajesh Kumar & Swapnil Anand, Advocates
For the State : Mr. Sachin Kumar, AC to SC-I

Oral Order

27 / Dated : 15.09.2025

1. The instant Misc. Appeal has been preferred against the judgment of compensation dated 25.03.2010 passed by learned 5th Addl. District Judge-cum-Addl. Motor Accident Claim Tribunal (FTC), Dumka, in Title Claim Suit No.58 of 2008, whereby and whereunder, the liability has been fixed on the present appellant to pay compensation amount under Section 166 of the M.V. Act.
2. Learned Tribunal held that the offending vehicle was registered as a minibus in the name of Tribal Welfare Commissioner Government of Jharkhand, but was handed to the appellant who was the user of the vehicle and consequently liability was fixed on him in terms of the provisions of the M.V. Act. It also held that the driver of the vehicle was having a driving license for L.M.V, whereas offending vehicle was

HMV, for which the driver had no valid driving license. It was also held that there was no valid policy of insurance.

3. On these facts liability to pay the compensation was fixed on the appellant to pay compensation.
4. It is argued by the learned counsel appearing on behalf of the appellant that the offending vehicle was registered in the name of Tribal Welfare Commissioner, Government of Jharkhand and the order to pay compensation has been passed without impleading the registered owner of the vehicle. The vehicle in question was given on hire to a group of 10 persons including the appellant, therefore individual liability could not have been fixed on the appellant to pay the compensation amount for breach of any terms of the policy. In an analogous case liability to pay compensation under Section 140 of the M.V. Act, was fixed on the tribal welfare Commissioner, which was assailed without success for in Misc. Appeal No.279/2003.
5. The main contention of the appellant is that the appellant is not the registered owner of the offending vehicle which met with an accident. It is also contended that the only document on the basis of which it has been held that the appellant was the user of the said vehicle in the policy of insurance (Ext.-A/1) regarding which learned Tribunal has recorded a finding that it was a forged and fabricated document, therefore, there is no documentary evidence to show that the offending vehicle was exclusively used by this appellant.
6. Having considered the submissions advanced on behalf of both sides, the undisputed facts, which emerge, are that deceased-Vimal Chandra Manjhi died in a motor vehicle accident when dashed by a mini bus bearing Registration No. JH4A-9934. This vehicle was purchased by Tribal Welfare Department and was then handed over to a group of ten schedule caste and schedule tribe persons who are the beneficiaries and they were given right to ply the vehicle. Learned Tribunal held that since the policy of insurance was forged, therefore, the individual liability has been fastened on this appellant.
7. The main point for determination is can this appellant be solely held liable to pay the compensation amount, as the vehicle was not duly

insured at the time of accident, considering the fact that the vehicle was jointly hired over by ten persons including this appellant for plying the vehicle.

8. If the said vehicles were given to the society for running it on a partnership basis, each one of them could have been jointly and vicariously liable to pay the compensation amount. In the present case, the other members of the society were not impleaded for filing the compensation case and there is no material to show that the offending vehicle was exclusively given in hire to this appellant so as to bring him within the definition of owner as given under Section 2 (30) of the M.V. Act. As rightly pointed out that the policy of insurance, in which this appellant has been shown to be the user of the vehicle, has been found to be forged and fabricated, therefore, it cannot be made the basis for recording such a finding.
9. In this view of the matter, the judgment and award impugned saddling this particular appellant with the sole liability to pay compensation is not sustainable and is, accordingly, set aside.

This Misc. Appeal stands allowed.

Pending, I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

15th September, 2025
AKT/Satendra