



CGHC010336362024



2026:CGHC:30083

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1885 of 2024**

1 - Smt. Nirupa Sinha W/o Late Narayan Sinha Aged About 51 Years R/o Ward No. 1, Mahamaya Para Dhodra Parsada, District - Raipur (C.G.) (Claimant)

2 - Chandrakant Sinha S/o Late Narayan Sinha Aged About 29 Years R/o Ward No. 1, Mahamaya Para Dhodra Parsada, District - Raipur (C.G.) (Claimant)

3 - Khediya Bai W/o Manrakhan Aged About 75 Years R/o Ward No. 1, Mahamaya Para Dhodra Parsada, District - Raipur (C.G.) (Claimant)

... Appellants**versus**

1 - Umesh Kumar Sinha S/o Late Narayan Sinha Aged About 31 Years R/o Ward No.1 Mahamaya Para Dhodra Parsada District - Raipur (C.G.) (Owner Of Vehicle Motorcycle No. CG - 04 HJ - 1535)

2 - Bajaj Allianz General Insurance Company Limited Through Baranch Manager, Second Floor , Shiv Mohan Bhawan Vidhan Sabha Road Pandri Raipur District - Raipur (C.G.) (Insurer Of Vehicle Motorcycle No . CG -04 HJ- 1535)

... Respondents

For Appellants	: Mr. Devendra Kumar Swarnkar, Adv. on behalf of Mr. Jitendra Gupta, Advocate.
For Respondent No. 2	: Mr. Ashutosh Rathore, Advocate.
For Respondent No. 1	: None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

15/07/2026

1. This is claimants' appeal under Section 173 of M.V. Act against the award dated 28.06.2024 passed by the 4th Additional Motor Accidents

Claims Tribunal, Raipur, District - Raipur (C.G.) in Motor Accident Claim Case No. 1121/2021 whereby the claim application filed under Section 163-A of the Motor Vehicles Act by the claimants has been dismissed.

2. The case of the appellants, in brief, is that on 05.03.2021. Narayan Sinha was riding a motorcycle bearing registration No. CG 04 HJ 1535, owned by respondent No. 1 herein, carefully from Raipur to his village Dhodhra. At about 6:30 PM, when he reached near Sai Auto Center between village Khatti and Dhodhra, a cow suddenly came onto the road. Due to this, the vehicle skidded and became unbalanced and fell down along with Narayan Sinha. As a result, he sustained serious injuries to his head and other parts of his body. For treatment, he was admitted to AIIMS Hospital, Raipur, where he died during treatment on 11.03.2021.
3. As against compensation of Rs.12,23,200/- claimed by the legal heirs of the deceased by filing claim application under Section 163-A of the Motor Vehicles Act (henceforth 'the Act') for the death of Narayan Sinha aged about 53 years in the motor accident on 05.03.2021. The Tribunal, on due consideration of the evidence, held that the accident had occurred due to rash and negligent driving of the motorcycle bearing registration No. CG-04-HJ-1535, owned by Umesh Kumar Sinha/respondent No. 1 (son of deceased), by its rider/deceased. Therefore, considering the provisions of Section 163-A of the Motor Vehicles Act, the claim petition filed under Section 163-A of the Motor Vehicle Act by the legal heirs of the deceased is not maintainable and dismissed the claim application holding that the claimants are not found entitled for compensation.
4. Learned counsel appearing for the appellants/claimants would submit that the learned Tribunal has erred in rejecting the claim

petition filed under Section 163(A) of the M.V. Act because the motorcycle was insured with the respondent No. 2. The learned claims tribunal failed to appreciate that the deceased had gone to Raipur for the work of the respondent No. 1/owner of the motorcycle and when he was returning from Raipur to his village, then he met the accident. As such, the appeal may be allowed, and proper compensation may be awarded in favour of the claimants.

5. Learned counsel appearing for respondent No. 2, on the other hand, supported the award impugned and submitted: in the facts and circumstances of the case, the Tribunal has rightly dismissed the claim petition.
6. I have heard learned counsel for the parties and perused the record of the Tribunal including award impugned.
7. The Hon'ble Supreme Court in the matter of **Ramkhaladi and another vs. United India Insurance Company and another**, reported in **(2020) 2 SCC 550** wherein the Supreme Court, relying upon its own case rendered in the matter of **Ningamma v. United India Insurance Co. Ltd.**, reported in **(2009) 13 SCC 710**, has specifically observed and held that the provisions of Section 163-A of the Act cannot be said to have any application with regard to an accident wherein the owner of the motor vehicle himself is involved.

Para 9.4 is relevant for the purpose, which is reproduced as under:

“9.4. An identical question came to be considered by this Court in Nigamma. In that case, the deceased was driving a motorcycle which was borrowed from its real owner and met with an accident by dashing against a bullock cart i.e. without involving any other vehicle. The claim petition was filed under Section 163-A of the Act by the legal representatives of the deceased against the real owner of the motorcycle which was being driven by the deceased. To that, this Court has observed and held that since the deceased has stepped into the shoes of the owner of the vehicle, Section 163-A of the Act cannot apply wherein the owner of the vehicle himself is involved. Consequently, it was held that the legal representatives of the deceased could not have claimed the compensation under

Section 163-A of the Act. Therefore, as such in the present case, the claimants could have even claimed the compensation and/or filed the claim petition under Section 163-A of the Act against the driver, owner and insurance company of the offending vehicle i.e. motorcycle bearing Registration No. RJ 29 2M 9223, being a third party with respect to the offending vehicle. However, no claim under Section 163-A was filed against the driver, owner and/or insurance company of the motorcycle bearing Registration No. RJ 29 2M 9223. It is an admitted position that the claim under Section 163-A of the Act was only against the owner and the insurance company of the motorcycle bearing Registration No. RJ 02 SA 7811 which was borrowed by the deceased from the opponent-owner Bhagwan Sahay. Therefore, applying the law laid down by this Court in Ningamma and as the deceased has stepped into the shoes of the owner of the vehicle bearing Registration No. RJ 02 SA 7811, as rightly held by the High Court, the claim petition under Section 163-A of the Act against the owner and insurance company of the vehicle bearing Registration No. RJ 02 SA 7811 shall not be maintainable.”

8. In the case in hand, the deceased was not a third party to the of offending vehicle/motorcycle but was the rider/driver. Furthermore, looking to the vehicle policy (Ex.D-1) and the statement of Atulya Sharan (NAW-1), examined by the insurance company, it has come to light that no premium amount has been paid to the insurance company for risk coverage of driver or owner.
9. Having applied the principles laid down by the Hon’ble Supreme Court, in the above referred matter, to the present case, it is held that the claim petition filed under Section 163-A of the Act, 1988 is not maintainable. The appeal filed by the appellants, on its face, is devoid of merit and the same is accordingly liable to be and is hereby **dismissed**.
10. In the facts and circumstances of the case, there shall be no order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge