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HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 2348 of 2026

1 - Smt. Sohadra Soni Wd/o Late Prabhat Soni, Aged About 43 Years, Resident Of Ward No. 11, Gali No. 04, Shanti Nagar, Rajnandgaon, Tehsil And District Rajnandgaon, Chhattisgarh.

2 - Hema Soni D/o Late Prabhat Soni Aged About 23 Years Resident Of Ward No. 11, Gali No. 04, Shanti Nagar, Rajnandgaon, Tehsil And District Rajnandgaon, Chhattisgarh.

3 - Pranay Soni S/o. Late Prabhat Soni Aged About 21 Years Resident Of Ward No. 11, Gali No. 04, Shanti Nagar, Rajnandgaon, Tehsil And District Rajnandgaon, Chhattisgarh.

4 - Tokesh Soni Late Prabhat Soni Aged About 19 Years Resident Of Ward No. 11, Gali No. 04, Shanti Nagar, Rajnandgaon, Tehsil And District Rajnandgaon, Chhattisgarh.

5 - Smt. Kaushilya Bai W/o Late Janak Lal Soni Aged About 63 Years Mother Of Late Prabhat Soni, Resident Of Ward No. 11, Gali No. 04, Shanti Nagar, Rajnandgaon, Tehsil And District Rajnandgaon, Chhattisgarh.

... Appellants**versus**

1 - Sanjay Kumar Son Of Shri Baratu Ram Netam, Aged About 35 Years, Resident Of House No. 11, Dhorabhatha, Khapri Khurd, Rajnandgaon, Tehsil And District Rajnandgaon, Cg. Registered Owner Of Car Bearing No. Jh04-U/5287.

2 - Branch Manager Choramandalam Ms General Insurance Company Limited, Branch Office Second Floor, Simran Tower, Opposite L.I.C. Building, Pandri, Raipur, District Raipur, Chhattisgarh (Exact Branch Address To Be Verified From Policy/record.).

... Respondent(s)

For Appellants : Ms. Bhavika Kotecha, Advocate

For Respondents : Not noticed.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****15/10/2026**

1. The present appeal has been preferred by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988, challenging the award dated 07.09.2026 passed by the 01st Additional Motor Accident Claims Tribunal, Rajnandgaon (C.G.) in Motor Accident Claim Case No. 192/2023, whereby the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Prabhat Soni in a motor vehicle accident (on 29.03.2023), has been dismissed.
2. The learned Tribunal dismissed the claim petition on the ground that Respondent No. 1, Sanjay Kumar, was the registered owner of the car bearing registration No. JH-04-U/5287 and that the deceased, Prabhat Soni, was driving the said car at the time of the accident. Therefore, the deceased was held to have stepped into the shoes of the owner of the vehicle and, therefore, could not be treated as a third party. The learned Tribunal further observed that, as per the insurance policy (Ex. D/1), the premium for personal accident (PA) cover had been paid only for the period from 20.06.2020 to 19.06.2021, and no subsequent premium had been paid by the registered owner towards such cover. Since the accident involved an unidentified truck, the learned Tribunal held that, the deceased not being a third party, his legal representatives could not maintain a claim petition

against the owner and insurer of the car. Accordingly, the claim petition was dismissed.

3. The aforesaid issue is no longer res integra. The Hon'ble Supreme Court, in **Ningamma and Another v. United India Insurance Co. Ltd., (2009) 13 SCC 710** and subsequently in **Ramkhiladi and Another v. United India Insurance Company and Another, (2020) 2 SCC 550**, has categorically held that where the deceased was himself driving a vehicle borrowed from its owner, the deceased would step into the shoes of the owner of the vehicle. Consequently, the legal representatives of such deceased cannot maintain a claim petition against the owner and insurer of the said vehicle (car).
4. In the present case, the accident occurred on 29.03.2023. The deceased Prabhat Soni himself was driving the car involved in the accident at the relevant time, and Sanjay Kumar (respondent No.1), was the registered owner of the said car. The vehicle was an unidentified truck; therefore, its driver, registered owner and insurer could not be impleaded as parties in the claim petition. The claim petition was filed against the registered owner and insurer of the car. Thus, in view of the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, the deceased would be deemed to have stepped into the shoes of the owner of the car and, consequently, cannot be treated as a third party.
5. Further, there is no document or evidence available on record to establish that any Personal Accident (PA) cover was effective in

respect of the deceased on the date of the accident. In the absence of any such evidence, the legal representatives of the deceased cannot maintain a claim for compensation against the owner and insurer of the car.

6. In view of the aforesaid legal and factual position, this Court is of the considered opinion that the Tribunal has not committed any error, either of law or on facts, in dismissing the claim petition. No ground warranting interference with the impugned award is made out.
7. Accordingly, the appeal, being devoid of merit, is hereby **dismissed** at the admission stage.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE