

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal (C) No.360 of 2006

1. Jakir Ali, S/o Shri Jahir Ali, aged about 27 years, R/o Near Kailashpuri Majar, Raipur, Chhattisgarh
2. Fajal Bhai, S/o Shri K.R. Khan, aged about 45 years, R/o Sahara Machhali Beej Bhandar, Shastri Bajar, Raipur, Chhattisgarh

---- Appellants

versus

1. Jagatram, S/o Pardesi Ram, aged about 32 years, R/o Village Parsada, P.O. Balod, P.S. Mandir Hasaud, District Raipur, Chhattisgarh
2. Branch Manager, The New India Insurance Co. Ltd., Branch Office Raipur, Branch Office No.2, R.D.A. Building, Bajrang Market, Raipur, Chhattisgarh

---- Respondents

For Appellants	:	Shri Raghvendra Pradhan, Advocate
For Respondent No.1	:	Shri S.S. Rajput, Advocate
For Respondent No.2	:	Shri Deepak Gupta, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Judgment on Board

4.11.2016

1. This appeal by the owner is directed against the award dated 31.3.2006, whereby the owner has been made liable to pay the compensation and the insurance company has been exonerated.
2. The main ground raised is that the insurance company is liable to pay the compensation. In this regard, the Tribunal has held that the claimant Jagatram in his statement as PW-1 has clearly stated that he was not engaged as an employee by the owner of the vehicle. He was also not working as a coolie on the vehicle. According to him, lady finger was loaded on the vehicle and he along with others was sitting on the lady fingers (*Bhindi*) loaded on the vehicle. The witness has admitted that he was not the owner of the goods being carried in the vehicle. In fact, he has gone to the extent of stating that he has no

agricultural land where he could not produce such lady fingers.

3. In this view of the matter, the Tribunal is right because the injured/claimant was only a gratuitous passenger in the vehicle.
4. Therefore, I find no merit in the appeal, which is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE