

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1224 of 2010**

Mineshwar Verma, aged 47 years, S/o Baliram Verma, occupation Driver, R/o New Puraina Police Station Telibandha, Post Ravigram, Raipur, District Raipur (CG)

**---- Appellant****Versus**

1. M/s Singh Hatcheries Limited through Managing Director, Anand Nagar, Raipur (CG)
2. The New India Insurance Co. Ltd. through Divisional Manager, Divisional Office 1, Kachchari Chowk, Jail Road, Raipur, District Raipur (CG)

**---- Respondents**


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| For Appellant       | : | Shri A. L. Singroul, Advocate |
| For Respondent no.3 | : | Shri Pankaj Agrawal, Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****25/09/2017**

Present is an appeal under Section 173 of the Motor Vehicles Act assailing the award dated 03.09.2010 passed by the 9th Additional Motor Accident Claims Tribunal (FTC), Raipur (CG) in Claim Case No.182/2010. Vide the impugned award, the Tribunal has dismissed the claim application of the claimant under Section 163(A) of the MV Act.

2. It is a case where the accident occurred on 03.07.2009 while the vehicle which was being driven by the appellant hit a tree. Contention of the counsel for the appellant is that the accident occurred when the appellant tried to save a buffalo which suddenly came on the road in front of the vehicle of the appellant.

3. It is the contention of the counsel for the Insurance Company that in the event the claimant moves a claim application before the Commissioner for Workmen Compensation, the same would be maintainable but not in a proceeding under Section 163 of the MV Act.

4. Considering the fact that the vehicle involved in the accident was covered under a package policy and the premium for the driver was under the Workmen's

Compensation Act, this court is of the opinion that the finding of the Tribunal does not warrant interference. Further it is made clear that the appellant shall be at liberty to file a claim case seeking compensation before the appropriate Commissioner under Workmen's Compensation Act.

**5.** In view of the same, this Court is of the opinion that reserving the right of the appellant-claimant of approaching the appropriate Workmen's Compensation Court, the present appeal stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**