

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**FIRST APPEAL NO.14/2017**

Dharampal S/o Surendra Singh

..Vs..

Shankar S/o Jairam Dhurve through L.Rs. Babytai Wd/o Shankar Dhurve and  
 others

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 Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders  
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Court's or Judge's orders

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 Shri Vilas Tunkikar, Advocate h/f Shri S.D. Khathi, Advocate for the  
 appellant.

**CORAM : NITIN W. SAMBRE, J.**

**DATED : 3.9.2019**

In the proceedings for grant of compensation filed under Section 166 of the Motor Vehicles Act, the Motor Accident Claims Tribunal, Nagpur in Claim Petition No.747/2007 by the award dated 12<sup>th</sup> January, 2016 awarded compensation of Rs.52,000/- which includes the amount of no fault liability.

2] The findings recorded are questioned by the appellant, claiming to be driver of offending vehicle, on two grounds (a) prosecution for rash and negligent driving has resulted in his acquittal and (b) though he was not a owner, the award impugned recognizes him as owner of the vehicle.

3] So far as the first submission of the appellant

as regards his acquittal in the criminal trial is concerned, it can be noticed that the parameters to be considered while dealing with the criminal trial and in the motor accident claim petitions are altogether different. Just because appellant is acquitted by the Judicial Magistrate, First Class, Nagpur, that by itself will not entitle the appellant to claim that he is not liable to pay the compensation. As such the said contention stands rejected.

4] So far as the second submission of the learned Counsel for the appellant that he was a driver and not owner of the offending vehicle, in my opinion, is also required to be rejected as the appellant has failed to demonstrate that as to who was employer and the owner of the vehicle.

5] That being so, no case is made out for interference. The appeal is **rejected**. No costs.

JUDGE