

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 153 of 2013**

1. Smt. Asha Bai, aged about 38 years, W/o Shri Ghasiram
 2. Ghasiram, aged about 40 years, S/o Shri Bhaiyaji
- Both R/o Village Gudi, Police Station Seepat, Tahsil and District Bilaspur C.G.

-----Appellants/Claimants**VERSUS**

1. Pankaj Kumar Singh, Occupation-Transporting, S/o Navlesh Singh, R/o Tatibandh, Raipur, Tahsil and District Raipur C.G. At present R/o Village and Post Beltkari Dipka, Police Station Dipka, District Korba C.G.
(Owner of offending vehicle Trailer No. CG 04 J 5098)
2. Shriram General Insurance Company Limited Corporation, Office E-8 EPP Rikko Industrial Area, Sitapur, Jaipur Rajasthan 302022
(Insurer of offending vehicle Trailer No. CG04J5098)

-----Respondents

For Appellants : Ms. Sareena Khan, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge
Judgment on Board

Per P.R. Ramachandra Menon, CJ.**20/05/2020**

1. Dismissal of the claim petition by learned First Motor Accident Claims Tribunal, Bilaspur, C.G., holding that the claim petition does not come within the purview of Section 163A of the Motor Vehicles Act, 1988 is subjected to challenge in this appeal.
2. Heard the learned counsel appearing for the appellants.
3. The deceased, who was the son of the appellants, aged about 22 years, on the ill-fated day i.e. 01-05-2011, was driving the vehicle bearing Registration No. CG 04 J 5098 (hereinafter referred to as "offending vehicle") which was owned by the 1st Respondent and insured by the 2nd Respondent. While so, allegedly due to mechanical failure of the offending vehicle, the deceased lost control over the

vehicle and it hit against a tree on road side causing serious injuries, ultimately leading to the death of the deceased. This led to the claim petition filed by the parents of the deceased before the Tribunal under Section 163A of the Motor Vehicles Act, 1988 as aforesaid.

4. After considering the pleadings and materials on record, the Tribunal held that the case would not come within the purview of Section 163A of the Motor Vehicles Act and hence no compensation could be paid. It was accordingly, that the claim petition was dismissed, which is sought to be challenged in this appeal.
5. The only point to be considered is, whether the finding given by the Tribunal is correct in accordance with law? More than a decade ago, the Apex Court had made it clear in the case of **Ningamma & Anr v. United India Insurance Co. Ltd** reported in **(2009) 13 SCC 710** that a person who sustains injuries in a self accident while driving the vehicle cannot get it compensated against the owner of the vehicle or the insurer, insofar as, such person has to be held as having stepped into the shoes of the owner. The position has been made clear in explicit terms as per recent judgment rendered by the Apex Court as well, in the matter of **Ramkhiladi v. United India Insurance Co. Ltd.** reported in **AIR 2020 527**.
6. In the above circumstances, we are of the view that the course pursued by the Tribunal in dismissing the claim petition preferred under Section 163 A of the Act is not liable to be interfered.
7. Appeal fails and it is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
 Chief Justice

Sd/-
(Parth Prateem Sahu)
 Judge