CGHC010027232023 2026:CGHC:45347

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 139 of 2023

1 - Smt. Satya Banjare W/o Late Shri Ranjeet Banjare Aged About 30 Years R/o Village Bimori, Police Station- Palari, District : Balodabazar-Bhathapara, Chhattisgarh

2 - Minor Ishika Banjare D/o Late Shri Ranjeet Banjare Aged About 6 Years Minor On Behalf Of Through Their Legal Guardian Mother Smt. Satya Banjare Appellant No. 1 R/o Village Bimori, Police Station- Palari, District : Balodabazar-Bhathapara, Chhattisgarh

3 - Minor Harshal Banjare S/o Late Shri Ranjeet Banjare Aged About 4 Years Minor On Behalf Of Through Their Legal Guardian Mother Smt. Satya Banjare Appellant No. 1 R/o Village Bimori, Police Station- Palari, District : Balodabazar-Bhathapara, Chhattisgarh

4 - Minor Krishna Banjare S/o Late Shri Ranjeet Banjare Aged About 1 Years Minor On Behalf Of Through Their Legal Guardian Mother Smt. Satya Banjare Appellant No. 1 R/o Village Bimori, Police Station- Palari, District : Balodabazar-Bhathapara, Chhattisgarh

... Appellants

versus

1 - Bhupendra Singh Banjare S/o Not Mentioned R/o Satyam Vihar Coloney Gurukul School Raipura Raipur Tahsil And District- Raipur, Chhattisgarh (Registered Owner Of Vehicle Maruti Car Bearing Registration No. C G./04/lc/3215)

2 - The Royal Sundaram Allianz Insurance Company Limited Through Divisional Office, Mowa, Raipur, District : Raipur, Chhattisgarh (Insurer Of Vehicle Maruti Car Bearing Registration No. C. G./04/lc/3215)

... Respondents

For Appellants	:	Ms. Pooja Yadav, Advocate.
For Respondent No. 1	:	None.
For Respondent No. 2	:	Mr. Anupam Dubey, Advocate with Mr. Gagan Mishra, Advocate.

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Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

27/10/2026

1. This is claimants' appeal under Section 173 of M.V. Act against the award dated 02.11.2022 passed by the 11th Additional Motor Accidents Claims Tribunal, Raipur, District - Raipur (C.G.) in Motor Accident Claim Case No. 400/2018, whereby the claim application filed under Section 163-A of the Motor Vehicles Act has been allowed only to the extent of contractual liability (i.e. Rs. 2,00,000/-) of the Insurance Company under the policy.
2. The case of the appellants, in brief, is that on 16.01.2017, Ranjeet Banjare was driving his Maruti car No. CG-04-LC-3215 slowly on his left side. Near Village Bhandarpuri, the vehicle lost control and collided with a tree, resulting in grievous injuries and the death of Ranjeet Banjare/driver. The Arang police station registered a report of the accident. Since the driver had died in the accident, the case had been closed.
3. The legal heirs of the deceased filed a claim application under Section 163-A of the Motor Vehicles Act (hereinafter referred to as "the Act") seeking compensation of Rs. 13,00,000/- for the death of Ranjeet Banjare (aged about 32 years) in a motor accident on 16.01.2017. Upon due consideration of the evidence, the Tribunal held that the accident occurred due to the rash and negligent driving of the car bearing registration No. CG-04-LC-3215 by its driver (who was also deceased). The vehicle was owned by respondent No. 1, Bhupendra Singh Banjare (brother of the deceased), and insured by respondent No. 2, the Insurance Company. The Tribunal further held that the evidence clearly establishes that the deceased was neither an employee of the vehicle owner nor driving the vehicle in the course of

employment, nor did his status qualify as that of a third party. On the date of the accident (16.01.2017), the vehicle was insured under Ex. D-1 (Insurance Policy) with respondent No. 2. Defence witness Satish Kumar Katre acknowledged that premium was collected for a paid driver under the policy, but clarified that the deceased was not a paid driver. A perusal of Ex. D-1 reveals that under the package policy, a liability limit of Rs. 2,00,000/- (Rupees Two Lakhs) was provided for the owner-cum-driver. Since the deceased was not an employee of his brother and was driving the vehicle himself, his status is like to that of the owner. Consequently, a compensation of Rs. 2,00,000/- (Rupees Two Lakhs) has been awarded to the claimants/appellants under the said policy.

4. Learned counsel appearing for the appellants/claimants would submit that the application filed by the claimants under Section 163-A of M.V. Act would be maintainable as the policy issued by the insurance company is of Package Policy. The compensation awarded by the claims tribunal is on the lower side, which needs to be enhanced. As such, the appeal may be allowed, and proper compensation may be awarded in favour of the claimants.

5. Learned counsel appearing for respondent No. 2, on the other hand, supported the impugned award and submitted that since the deceased himself was driving the vehicle, he would not come within the category of a third party. The application filed by the legal heirs of the deceased under Section 163-A of the M.V. Act, for compensation on account of injury/death of the owner of the vehicle, would not be maintainable. He further submits that the liability of the insurance company will be only contractual liability under the policy. As such, the Tribunal has rightly awarded the compensation of Rs. 2 lakhs,

which is contractual liability under the policy and risk covered for the owner/driver.

6. I have heard learned counsel for the parties and perused the record of the Tribunal including award impugned.

7. In the case in hand, the deceased was not a third party to the offending vehicle/motorcycle but was the driver of the offending vehicle. The learned Claims Tribunal considered the contractual liability of the company under the policy (Ex.D-1) and awarded an amount of Rs. 2,00,000/- towards coverage of the risk of the owner/driver.

8. In view of the above discussion, this Court does not find any basis for enhancement of compensation. Hence, the appeal, being devoid of any substance, is liable to be and is hereby **dismissed**.

9. In the facts and circumstances of the case, there shall be no order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H. L. Sahu