BHOLA NATH KHATAI
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CGHC010135982026 2026:CGHC:45014

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 950 of 2026

1 - Girja W/o Late Ramkumar Aged About 36 Years R/o Village- Jarve Post- Office- Jarve P.S. Urga Tahsil- Barpali District- Korba (C.G.)

2 - Anand Kumar S/o Late Ramkumar Aged About 18 Years R/o Village- Jarve Post- Office- Jarve P.S. Urga Tahsil- Barpali District- Korba (C.G.)

3 - Minor Ankita Kanwar D/o Late Ramkumar Aged About 16 Years Minor Through Her Legal Guardian Her Mother Girja Appellant No1) R/o Village- Jarve Post- Office- Jarve P.S. Urga Tahsil- Barpali District- Korba (C.G.)

4 - Minor Anshu Kanwar S/o Late Ramkumar Aged About 11 Years Minor Through His Legal Guardian His Mother Girja Appellant No1) R/o Village- Jarve Post- Office- Jarve P.S. Urga Tahsil- Barpali District- Korba (C.G.)

... Appellant(s)

versus

1 - Ramesh Kumar Sandey S/o Sora Singh R/o Village - Jarve P.S. Urga Tahsil- And District- Korba (C.G.) (First Owner Of The Offending Vehicle No CG-12 AS – 8219)

2 - Manager Bajaj Allianz General Insurance Company Limited Bajaj Allianz House Airport Road Yerwada Pune (Maharastra) (Insurer Of The Offending Vehicle No CG-12 AS 8219)

3 - Shyama Bai W/d Late Chhedu Singh Kanwar Aged About 68 Years R/o Village Jarve Post Office - Jarve P.S. Urga Tahsil-Barpali, District- Korba (C.G.) (Claimant No 5)

... Respondent(s)

For Appellants	**:**	Mr. Shivam Mishra, Advocate
For Respondent No.2	**:**	Mr. Prashant Sahu, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

26/10/2026

1. Heard on I.A. No.01/2026, for condonation of delay in filing the appeal.

2. Upon due consideration, I.A. No. 01 is allowed and the delay of 550 days in filing the appeal stands condoned.

3. Heard on admission.

4. The present appeal has been preferred by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988, challenging the award dated 29.06.2024 passed by the Second Additional Motor Accident Claims Tribunal, Korba (C.G.) in Motor Accident Claim Case No.57/2022, whereby the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Ramkumar Kanwar in a motor vehicle accident, has been dismissed.

5. Learned Tribunal, while dismissing the claim petition, recorded a finding in paragraph 25 of the impugned award that the claimants had failed to establish the capacity in which the deceased was driving the vehicle in question. It was further observed that, as evident from the Insurance Policy (Exhibit D-1) produced by respondent No. 2/Insurance Company, no premium had been paid to cover the risk of the owner or driver of the vehicle. Learned Tribunal further found that the accident had occurred due to the rash and negligent driving of the motorcycle by the deceased himself. Hence, relying upon the judgments of the Hon'ble Supreme Court in **Ningamma and Another v. United India Insurance Co. Ltd., (2009) 13 SCC 710** and **Ramkhiladi and Another v. United India Insurance Company and Another, (2020) 2 SCC 550**, learned Tribunal held that the deceased had stepped into the shoes of the owner of the vehicle and, in the absence of any insurance coverage for the risk of the owner or driver, his legal representatives were not entitled for compensation under Section 166 of the Act. Accordingly, the claim petition was dismissed.

6. The aforesaid issue is no longer res integra. The Hon'ble Supreme Court, in **Ningamma (supra)** and subsequently in **Ramkhiladi (supra)**, has categorically held that where the

deceased was himself driving a vehicle borrowed from its owner and the accident occurred without the involvement of any other motor vehicle, the deceased would step into the shoes of the owner of the vehicle. Consequently, such a person cannot be treated as a third party for the purpose of claiming compensation against the owner and insurer of the vehicle under the applicable provisions of the Motor Vehicles Act.

7. In the present case, the accident occurred on 05.04.2022, when the deceased, Ramkumar Kanwar, was himself driving the motorcycle involved in the accident. The motorcycle was owned by respondent No.1, Ramesh Kumar Sandey and it was insured in the name of the deceased. It is not in dispute that no other vehicle was involved in the accident. Further, the insurance policy did not provide coverage for the risk of the owner or driver, as no premium had been paid in that regard. In these circumstances, applying the principles laid down by the Hon'ble Supreme Court in the aforesaid judgments, the deceased must be treated as having stepped into the shoes of the owner of the motorcycle and cannot be regarded as a third party. Consequently, the legal representatives of the deceased are not entitled to claim compensation against the owner and insurer of the motorcycle under Section 166 of the Act.

8. In view of the foregoing discussion, this Court is of the considered opinion that the Tribunal has not committed any illegality or infirmity, either in law or on facts, in dismissing the claim petition. No ground warranting interference with the impugned award is made out.

9. Accordingly, the appeal, being devoid of merit, is **dismissed** at the admission stage itself. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE

Khatai