CGHC010156172025 2026:CGHC:45775

PRASHANT DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 913 of 2025

1 - Sitaram Lahare S/o Bisahu Lahare Aged About 45 Years R/o Village Kusami, Post Office- Baba Mohtara, Police Station Bemetara, District Bemetara, Chhattisgarh.

2 - Mina Lahare W/o Sitaram Lahare Aged About 40 Years R/o Village Kusami, Post Office- Baba Mohtara, Police Station Bemetara, District Bemetara, Chhattisgarh.

... Appellants

versus

1 - Jagdish Karmakar S/o Mehettar Karmakar R/o Dongarigaon, Maroda Gariyaband, Police Station And District Gariyaband, Chhattisgarh. (Owner Of Motorcycle No. C.G.- 23 H 0681)

2 - Iffco Tokio General Insurance Co. Ltd. Through Office In Charge Iffco Tokio General Insurance Co. Ltd. 205, 3rd Floor, M.M. Silver Plaza, In Front Of Udyog Bhawan, Ring Road No. 01, Raipur, Tahsil And District Raipur, Chhattisgarh. (Insurance Company Of Motorcycle No. C.G.- 23 H 0681)

... Respondent(s)

For Appellants	**:**	Mr. Rakesh Kumar Thakur, Advocate
For Respondents	**:**	Notice awaited

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

29/10/2026

1. Heard on I.A. No.01/2025, for condonation of delay in filing the appeal.

2. Upon due consideration, I.A. No.01/2025 is allowed and the delay of 170 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 26/07/2024 passed by the Fourth Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Motor Accident Claim Case No.1196/2021, whereby the claim petition filed under Section 163(A) of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Manish Kumar Lahare in a motor vehicle accident, has been dismissed.

5. Learned Tribunal, while dismissing the claim petition, recorded a finding in paragraph 18 and 19 of the impugned award that the deceased, Manish Kumar Lahre, was driving the motorcycle owned by respondent No. 1, Jagdish Karmakar, with his permission and for his work at the time of the accident. However, the claimants failed to establish

that the deceased was employed by respondent No. 1. As the deceased was driving the registered owner's vehicle with his consent, he was considered to have stepped into the shoes of the owner and could not be treated as a third party. 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 163(A) 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 09/01/2021, when the deceased, Manish Kumar Lahare, was himself driving the motorcycle involved in the accident. The motorcycle was owned by respondent No.1, Jagdish Karmakar and it was insured in the name of the respondent No.1. 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 163(A) 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

Prashant