CGHC010242982023 2026:CGHC:47002

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1498 of 2023

1 - Smt. Parvati Bai Verma W/o Late Shri Mannu Verma Aged About 48 Years Caste Lodhi, R/o Village Patora (P..... Karesara) P.S. Saja, Tahsil Thankhamhariya, District Bemetara Chhattisgarh.

2 - Vinod Verma, S/o Late Shri Mannu Verma, Aged About 30 Years Caste Lodhi, R/o Village Patora (P..... Karesara) P.S. Saja, Tahsil Thankhamhariya, District Bemetara Chhattisgarh.

... Appellants

versus

1 - Bhuvneshwar Sahu S/o Shri Ramkumar Sahu, Aged About 25 Years R/o Ward No. 21, Dadhi, P.S. Dadhi, District Bemetara Chhattisgarh (Driver Of The Offending Vehicle Highwa Truck Bearing Registration No. C.G./25/e/3146)

2 - Bhuvneshwar Chandrakar, S/o Shri Ramdhin Chandrakar, Aged About 31 Years R/o Village Karesara, P.S. And District Bemetara Chhattisgarh.....(Registered Owner Of The Offending Vehicle Highwa Truck Bearing Registration No. C.G./25/e/3146)

3 - Megma H.D.I. Insurance Company, 5th Floor, Office No. 509, D.B. City Corporate Park, Rajbandha Maindan, Raipur, District Raipur Chhattisgarh.....(Insurer Of The Offending Vehicle Highwa Truck Bearing Registration No. C.G./25/e/3146)

... Respondents

For Appellants/Claimants	:	Mr. Viprasen Agrawal, Advocate.
For respondents No. 1 & 2	:	None.
For Respondent No. 3	:	Mr. Saurabh Gupta, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Judgment on Board

Digitally signed by HEERA LAL SAHU
Date: 2026.11.05 17:10:32 +0530

(05.11.2026)

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellants/claimants, challenging the impugned award dated 03.05.2023, passed in Claim Case No. 31/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.4,61,800/- as compensation for the death of Mannu Verma (50-years-old) who died in a road accident which took place on 16.12.2021. By holding 50-50% contributory negligence, which has been challenged in the appeal.

2. Learned counsel for the appellants submits that the accident occurred at 6:30 PM. The offending vehicle, a Hyva truck, was left stationary on the road without any parking lights or indicators, which led to a collision with a motorcycle ridden by Mannu Verma, resulting in his death. The Tribunal's finding of 50% contributory negligence, based on the premise that Mannu's driving license was not valid at the time of the accident, is erroneous and should be set aside. In support of his argument he placed reliance on the decision of the Hon'ble Supreme Court in the matter of ***Archit Saini vs. Oriental Insurance Company Ltd.***, reported in ***(2018) 3 SCC 365*.**

3. Learned counsel for respondent No. 3 opposes the same and supported the impugned award.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. In this matter, Daniram Verma (AW-2) was examined as an eyewitness on behalf of the claimants/appellants. He testified that he was traveling behind the deceased, Mannu Verma, at the time of the incident and witnessed the collision. He stated that the Hyva truck (offending vehicle), which was stationary on the road, did not have its parking lights illuminated. The accident took place at 6:30 PM, by which time it had already become dark. Thus, the witness has established the rash and negligent conduct of the driver of the offending vehicle. It is also

noteworthy that this individual is listed as an eyewitness in the charge sheet (Exhibit P-1) filed by the police. Furthermore, the accident is reported to have occurred on 16.12.2021, and the FIR was registered on the same date; the report was filed by the deceased's son, Vinod Verma (AW-1), based on information provided by Daniram Verma (AW-2), and the FIR explicitly mentions Daniram Verma as a witness to the accident. Consequently, the statement of Daniram Verma (AW-2) is corroborated by the police charge sheet and remains unrebutted. Notably, no evidence has been presented by the driver, the owner, or the insurance company of the offending vehicle. The Tribunal held that the deceased's driving license was not valid on the date of the accident, as it had been submitted for renewal; consequently, it attributed 'contributory negligence' to the deceased. This conclusion is untenable, as it is clear that the deceased was a license holder, even if the validity of the license had expired by the date of the accident. The mere fact that the license had not been renewed by the date of the accident cannot, in itself, be construed as rashness or negligence.

6. In light of the aforementioned analysis and the decision in ***Archit Saini*** (supra), the driver of the offending vehicle is found to have been rash and negligent. This Court finds the Tribunal's finding on contributory negligence to be erroneous. Accordingly, the finding of contributory negligence is hereby set aside. The liability for the payment of the entire award amount shall rest with the respondents.

7. In the result, the appeal is **allowed** and the impugned award is modified to the extent as indicated herein-above.

8. The records of the Tribunal be sent forthwith along with a copy of this order for information and necessary action, if any.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu