

(2018) 01 CHH CK 0107
In the Chhattisgarh High Court
Case No : Miscellaneous Appeal (C) No. 71 Of 2011

Mithilesh Baghel

APPELLANT

Vs

Karuna @ Rani And Ors

RESPONDENT

Date of Decision : 09-01-2018

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 173

Citation : (2018) 01 CHH CK 0107

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : D.N. Prajapati, R.K. Pali, P.P. Sahu

Final Decision : Dismissed

Judgement

P. Sam Koshy, J

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, filed by the appellant-owner assailing the award dated 27.10.2010

passed by the Additional Motor Accident Claims Tribunal, Bemetara, District Durg (as it then was), in Claim Case No.63/2010.

2. Vide the impugned award, the learned Tribunal, in a claim case under Section 166 of the Motor Vehicles Act, on the death of deceased Kuldeep, a

21 years old boy, has awarded a compensation of Rs.2,84,000/- to the claimants with interest thereon at the rate of 6% per annum from the date of claim application.

3. Learned counsel for the appellant-owner submits that the accident had occurred as a result of negligence on the part of the motorcycle coming from the opposite direction and therefore the present appellant could not have been fastened with the responsibility of payment of compensation and

thus prayed for the setting aside of the award. He further submits that it is a case where the stand itself by the claimants as well as by the present

appellant before the Tribunal was that the accident occurred on account of no fault of the present appellant but on account of the vehicle coming from

the opposite direction.

4. Perusal of record would show that it is a case where the deceased Kuldeep was a pillion rider on the motorcycle driven by the present appellant,

bearing registration no. CG07-LM-7981. The said vehicle was hit by another vehicle coming from the opposite direction. The driver of the other

motorcycle, who was also the owner of the said motorcycle, had also died in the said accident. The motorcycle belonging to the present appellant was

not insured.

5. There was no sufficient evidence led by the present appellant with which the negligence on the part of the other vehicle could have been

established with which the liability could have been shifted to the other side or at least could have been apportioned suitably. In the absence of any

substantive evidence on the part of present appellant and also considering the fact that the deceased in the instant case was a pillion rider on the

motorcycle driven by the present appellant, this Court is of the opinion that no strong case has been made out calling for an interference with the

impugned award.

6. The appeal thus fails and is accordingly dismissed.