



2026:CGHC:21010

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 311 of 2019**

**1** - Jagjeevan Rajwade S/o Balram Rajwade Aged About 55 Years  
Occupation - Service, R/o Village Namadgiri, Police Station And Tahsil  
Surajpur, District - Surajpur Chhattisgarh. ----(Claimant)

**... Appellant****versus**

**1** - Krishna Kumar Ravi S/o Jhola Ram Ravi Aged About 20 Years (Vehicle  
Dirier), R/o Village Namadgiri, Police Station And Tahsil Surajpur, District -  
Surajpur Chhattisgarh.

**2** - Vinita Sinha D/o Sunil Kumar Sinha Aged About 26 Years R/o Village  
Nareshpur, Police Station And Tahsil Surajpur, District - Surajpur  
Chhattisgarh. ---(Non-Applicants)

**... Respondent(s)**

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For Appellant	: Mr. Ravi Singh on behalf of Mr. Ashok Kumar Shukla, Advocates
For Respondent No. 1	: Mr. Vijay Kumar Sahu, Advocate
For Respondent No. 2	: Mr. Rishi Sahu, Advocate

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**SB - Hon'ble Shri Justice Sanjay K. Agrawal****Judgment on Board****05.05.2026**

- 1.** The instant appeal under Section 173 of Motor Vehicle Act, 1988 has been preferred by the appellant/claimant seeking enhancement of compensation awarded by learned 3<sup>rd</sup> Additional Motor Accident Claims Tribunal, Surajpur in MACC No. 130/2016 whereby 50% of compensation amount has been deducted towards contributory negligence and the appellant/claimant has been awarded compensation of Rs. 1,02,398/- for the injuries sustained by him. Cross-objection under Order 41 Rule 22 of CPC has also been filed by respondent No. 2/owner of the offending motorcycle challenging the impugned award in toto.
  
- 2.** Learned counsel for the appellant/claimant would submit that though the plea of contributory negligence has been taken by the respondents but no evidence has been led by them to establish the said plea of contributory negligence. He would further submit that respondent No. 2 i.e. Vinita Sinha is not the eye-witness to the accident, being the owner of the offending motorcycle, as such, her statement could not have been accepted by the Claims Tribunal to hold that appellant/claimant had committed contributory negligence while driving his

motorcycle, thus, the finding of contributory negligence recorded by the Claims Tribunal is liable to be set aside and 50% of the compensation amount, which has been deducted towards contributory negligence, it is liable to be enhanced.

- 3.** Learned counsel for respondent No. 1 would support the impugned award and submit that the instant appeal is liable to be dismissed.
- 4.** Learned counsel for respondent No. 2/cross-objector would submit that respondent No. 2, being the owner of the offending motorcycle, was not at all responsible for the accident in question, therefore, the Claims Tribunal has erred in fastening the liability of compensation upon her.
- 5.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
- 6.** Admittedly, the appellant/claimant has been examined and he, being the eye-witness of the accident, has stated that on 02/03/2016, he was driving his motorcycle and was returning to his home at Village Namadgiri from Balrampur Colliery after work when respondent No. 1, who was driving his motorcycle in a rash and negligent manner, dashed his motorcycle and caused the accident due to which the appellant/claimant suffered multiple injuries on his head, hands and legs. The

appellant/claimant has been subjected to cross-examination but nothing has been elicited from his statement to prove that there was contributory negligence on his part. He has clearly refuted to the fact of contributory negligence having been committed by him.

7. On the other hand, respondent No. 2 namely Vinita Sinha, being the owner of the offending motorcycle, has been examined and though she is not the eye-witness to the accident as she was not present at the spot, however, the Claims Tribunal has relied upon her statement to hold that appellant/claimant had committed contributory negligence while driving his motorcycle and thereby, deducted 50% of the compensation amount towards contributory negligence, which in my considered opinion is wholly arbitrary and perverse and the finding recorded by the Claims Tribunal with regard to contributory negligence on the part of the appellant/claimant is unsustainable and bad in law as the appellant/claimant, who is himself an eye-witness to the accident, has clearly and consistently deposed that the accident occurred due to the rash and negligent act of respondent No. 1 yet the Claims Tribunal has placed reliance upon the statement of respondent No. 2, owner of the offending motorcycle, who admittedly was not present at the spot and is not an eye-witness to the accident.

- 8.** In view of the aforesaid, the finding recorded by the Claims Tribunal that there was contributory negligence on the part of the appellant/claimant is hereby set aside and the appellant/claimant is held entitled to full compensation of **Rs. 2,04,795/-**. Respondent No. 2 is directed to deposit the amount of compensation as enhanced by this Court within a period of 3 months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 9% *per annum* from the date of filing of claim application before the Tribunal i.e. 03/08/2018 till its realization. Rest of the conditions of the impugned award shall remain intact.
- 9.** Accordingly, the appeal is allowed to the extent indicated herein-above whereas the cross-objection filed by respondent No. 2 is hereby dismissed.

Sd/-  
**(Sanjay K. Agrawal)**  
Judge