



2026:CGHC:12928

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1461 of 2019**

Shyamlal Sandey, S/o. Nanki Ram, Aged About 50 Years, R/o. Village - Chewdih, Police Station – Pamgarh, District - Janjgir Champa, Chhattisgarh.

... Appellant**versus**

1 - Narmada Yadav, S/o. Ramlal Yadav, Aged About 30 Years, R/o. Village – Karmandi,, Police Station - Shevarinarayan, District - Janjgir Champa, Chhattisgarh.

2 - The Branch Manager, United India Insurance Company Limited, Address - Plot No. 183. 2nd - Floor, Behind Balaji Petrol Pump, Stadium Road, T.P. Nagar Korba, Police Station And District - Korba, Chhattisgarh.

... Respondents

For Appellant : Mr. Ravi Maheshwari, Advocate

For Respondent No.2 : Mr. Abhishek Mishra, Advocate



(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

18.03.2026

- 1.** The appellant/claimant is aggrieved by the award dated 22.07.2019 by which the application under Section 166 of the Motor Vehicle Vehicles Act has been rejected by the Claims Tribunal holding that though the accident has been proved but negligence has not been proved.
- 2.** Learned counsel appearing for the appellant would submit that the criminal court has convicted the owner/driver of the offending vehicle for the offence under Sections 279, 337 & 338 of Indian Penal Code and Sections 3/180 & 146/196 of the Motor Vehicles Act and, therefore, the impugned award be set aside and the matter be remitted back to the Claims Tribunal to decide the claim application afresh.
- 3.** Learned counsel for the Respondent No.2/insurance company would support the impugned award and submit that the appeal of the appellant is liable to be dismissed.
- 4.** None appeared for the Respondent No.1 i.e. Narmada Yadav despite service of notice.



5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.
6. Though the accident has been found proved but negligence has not been found proved. The respondent No.1 has been convicted by the criminal court for the offence under Sections 279, 337 & 338 of Indian Penal Code and Section 3/180 & 146/196 of the Motor Vehicles Act by judgment dated 08.01.2024, which is relevant and the same is taken on record by which the negligence on the part of the respondent No.1 has been proved in criminal case. Taking the document i.e. judgment dated 08.01.2024 on record, the impugned award is set aside and the matter is remitted back to the Claims Tribunal for hearing and disposal afresh in accordance with law within a period of six months from the date of receipt of a copy of this order, as the accident occurred on 28.01.2018 and eight years have already been lapsed from the date of accident.
7. Accordingly, the appeal is allowed to the extent as indicated herein above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok