



2026:CGHC:4369

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 522 of 2025

- Shriram General Insurance Company Limited Head Office, E-8, R.I.I.C.O.I., Industrial Area, Sitapura, Jaipur (Rajasthan) Through Regional Manager Having Regional Office At Plot No. 1, 4th Floor, Maruti Heights, Besides Sky Auto Maruti Dealer, Mahoba Bazar, Besides R. K. Mall, G. E. Road Raipur, District- Raipur Chhattisgarh.Insurer

... Appellant(s)

versus

1. Smt. Madhuri Matari W/o Late Chandrashekar Matari Aged About 26 Years R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh. (Claimants)
2. Abhay Matari Aged About 9 Years Minor Through Natural Guardian Mother Smt. Madhuri Matari, R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh.
3. Amrita Matari Aged About 6 Years Minor Through Natural Guardian Mother Smt. Madhuri Matari, R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh.
4. Avinash Matari Aged About 3 Years Minor Through Natural Guardian Mother Smt. Madhuri Matari, R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh.
5. Vipin Matari S/o Dasu Matari Aged About 52 Years R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh.
6. Smt. Sumitra Matari W/o Shri Vipin Matari Aged About 45 Years R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh.



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7. Vikas Bhoi S/o Shri Chandramani Bhoi Aged About 30 Years R/o Village- Baitari, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh. (Driver)
8. Sunil Kumar Agrawal S/o Shri Dulichand Agrawal R/o Village Balasi, Post- Kendudhar, Tahsil And P.S. Saraipali, District Mahasamund, Chhattisgarh. (Owner)

... Respondent(s)

For Appellant	:	Mr. P.R. Patankar, Adv. along with Mr. Pravesh Sahu, Adv.
For Respondent No. 1 to 6	:	Mr. Varun Sharma, Adv.
For Respondent No. 7 & 8	:	Ms. Shruti Shrivastava, Adv. on behalf of Mr. Sanjay Agrawal, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board****27.1.2026**

- 1) The appellant–Insurance Company has preferred this appeal under Section 173 of Motor Vehicles Act, 1988 calling in question legality, validity and correctness of the impugned award passed by learned Third Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Claim Case No. 97/2021 dated 30.11.2024, by which liability to pay a total compensation of Rs. 14,65,200/- has been fastened upon the Insurance Company.
- 2) Facts of the present case are that on 1.3.2020, at about 11:10 pm when Chandrashekhar Matari was removing straw from the front wheel of offending vehicle – Tractor bearing registration No. CG-22-AB-6643, at the same time, driver of Tractor drove it due to which Chandrashekhar Matari got crushed and died on the spot. Report of the accident was made by Police Station Saraipali, District Mahasamund where Crime No. 281/2020 was registered



u/s 304-A of IPC against the driver of tractor (respondent No.7 herein).

- 3)** Claimants, who are the widow, minor children and parents of deceased (respondents No. 1 to 6 herein) moved claim application claiming therein compensation to the tune of Rs. 39,50,000/-. They pleaded that deceased was aged 30 years and was earning Rs. 400/- per-day working as laborer. Owner and driver of tractor filed reply and denied the contents of claim petition. They pleaded that driver had valid and effective driving license on the date of accident and vehicle was insured with the appellant-Insurance Company. Insurance Company also filed reply and took a specific plea that there was breach of conditions of insurance policy and driver did not possess valid and effective driving license on the date of accident. Learned Tribunal framed issues ; parties led evidence and thereafter award was passed.
- 4)** Learned counsel appearing for the appellant submits that FIR was lodged on 1.3.2020 by Sulochana Matari wherein she stated that on the fateful day, deceased fell down from the tractor and sustained injuries and accident was witnessed by Kiran Dhubal and Chandramani Bhoi. He further submits that in merg intimation also same story was narrated but learned Tribunal ignored the documentary evidence and considered the evidence of alleged eye-witness Kiran Dhubal, who stated that deceased was removing straw from front wheel of tractor when driver of tractor



drove it which caused the deceased getting crushed by tractor. He prays to set aside the award impugned.

- 5) On the other hand, learned counsel appearing for the respective respondents would oppose. They submit that learned Tribunal has considered all the issues raised by Insurance Company at length and rightly fastened the liability on it and such finding does not warrant any interference and this appeal deserves to be dismissed.
- 6) Heard learned counsel for the parties and perused the record with utmost circumspection.
- 7) Hon'ble Supreme Court in the matter of ***Rajwati @ Rajjo & Others Versus United India Insurance Company Ltd. & Others***¹ held that strict rules of evidence as applicable in a criminal trial, are not applicable in motor accident compensation cases. Hon'ble Supreme Court in the matter of ***Mangla Ram vs. The Oriental Insurance Company Limited and Others***² held that point of negligence on the part of the driver of the offending vehicle is required to be decided by the Tribunal on the touchstone of preponderance of probability and certainly not by standard of proof beyond reasonable doubt. Thus, filing of charge-sheet against the driver of the offending vehicle *prima facie* points towards his complicity in driving the vehicle negligently and rashly.

1. 2023 0 AIR (SC)(Civ) 622

2. AIR 2018 SC 1900



8) Hon'ble Supreme Court in the matter of ***Geeta Dubey and Ors.***

Versus United India Insurance Co. Ltd. and Ors.³ while dealing

with the similar issue held as under :-

20. Firstly, it is well settled that in claim cases, in case the accident is disputed or the involvement of the vehicle concerned is put in issue, the claimant is only expected to prove the same on a preponderance of probability and not beyond reasonable doubt. [See *Sajeena Ikhbal and Others, V. Mini Babu George and Others*, (2024) SCC OnLine SC 2883]. We also deem it appropriate to extract the following paragraphs from the judgment of this Court in *Bimla Devi & Ors. V. Himachal Road Transport Corporation & Ors.*, (2009) 13 SCC 530. Repelling similar contentions raised challenging the accident and the involvement of the vehicle in question, this Court held as follows:

“14. Some discrepancies in the evidence of the claimant's witnesses might have occurred but the core question before the Tribunal and consequently before the High Court was as to whether the bus in question was involved in the accident or not. For the purpose of determining the said issue, the Court was required to apply the principle underlying the burden of proof in terms of the provisions of Section 106 of the Evidence Act, 1872 as to whether a dead body wrapped in a blanket had been found at the spot at such an early hour, which was required to be proved by Respondents 2 and 3.

15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties.

3. AIR 2025 SC 386



16. The judgment of the High Court to a great extent is based on conjectures and surmises. While holding that the police might have implicated the respondents, no reason has been assigned in support thereof. No material brought on record has been referred to for the said purpose.”

21. Secondly, applying the test of preponderance of probability, we find that the claimants have established their case that it was the truck bearing registration no. MP-19-HA-1197 which was involved in the accident with car bearing no. MP-19-CB-5879 wherein the deceased was travelling. We say so for the following reasons:-

a. The accident occurred on 18.06.2018 and the FIR was lodged on 21.06.2018 clearly giving the date, time and the place where the accident happened. It was also mentioned that it was an unknown truck which came from behind in high speed and hit the car as at that point the claimants were unaware of the number of the truck. It referred to the injuries suffered by the deceased.

b. It is also beyond dispute that the husband of the claimant no. 1, the deceased Chakradhar Dubey was treated at Nagpur Arneja Institute of Cardiology Private Limited and he died on 28.06.2018.

c. The claimants have explained the delay by clearly stating that after the death, they took time to regroup themselves and set about investigating and collecting information about the accident.

d. No sooner they obtained information, the claimant no. 1 submitted an application to the Superintendent of Police giving the list of persons including the name of PW-2 Sonu Shukla who had witnessed the accident.

e. Based on the application, the investigation which was originally closed was taken up again as per the order of S.D.O.P., Maihar and after recording the statements of witnesses, a charge-sheet was filed for offences under Sections 279, 337, 338 & 304A, and the case is still pending against respondent no. 2- the driver.



f. It is also on record that after the application was given by claimant no. 1, a notice under Section 133 of the Motor Vehicles Act was issued to the owner and the vehicle was seized under Exh.P-16 by the police. It has also come on record that the truck was thereafter given on supurdnama by the court to the owner.

g. Sonu Shukla was examined as PW-2 and he has clearly deposed that on 18.06.2018, when he was going from Sarlanagar to Maihar with his colleague Kapil Pandey when respondent no. 2, who was driving the truck bearing registration no. MP-19-HA-1197 in a rash and negligent manner, at around 08:15 PM hit the car bearing registration no. MP-19-CB-5879 in which the deceased was travelling. No doubt, the witness states that he gave the information to claimant no. 1. The witness also states that he had taken Chakradhar Dubey to Civil Hospital, Maihar and on the same day informed the claimant's family about the incident. However, he states that he did not inform the police and went back home. The witness admits that his statement was recorded only on 20.04.2019. The witness, however, does not mention that he mentioned the truck number to the family when he conveyed the news of the accident. The witness was cross-examined but he stood by his statement. The witness also stated that on a specific question in cross that the front part of the vehicle bearing registration no. MP-19-HA-1197 was of white colour and the body was of red colour and the vehicle was of 12 wheels. The witness also stated that the truck belonged to Sanjeev Kumar Vyasi and denied that the said owner was his relative.

h. The insurance company examined Op.W.-1 Raj Kumar Kachhwah who admitted that till the date of his deposition, no information or complaint was given to the senior police officers stating that an attempt is being made by the claimants and the owner and driver of the vehicle to wrongly include the vehicle bearing No. MP-19-HA-1197 in the case. The witness also admitted that no steps to cancel the investigation of the police has been taken and no enquiry has been done into the veracity of the claim.



i. The MACT, on appreciation of the overall conspectus, particularly impressed by the fact that the insurance company did not lodge any complaint of collusion and about the involvement of the truck in an illegal manner concluded that it was truck bearing registration no. MP-19-HA-1197 which hit the car bearing no. MP-19-CB-5879 from behind.

22. Thirdly, the claimants having discharged the initial onus, if the insurance company had a case that there was collusion between the driver/owner of the truck and the claimants, it ought to discharge that burden. It is candidly admitted by the witness Raj Kumar Kachhwah that they had taken no steps in this regard.

23. As held in *Sajeena Ikhbal (supra)* and *Bimla Devi (supra)*, we are convinced that on the principle of preponderance of probability, the claimants have established the involvement of vehicle bearing registration no. MP-19-HA-1197. The insurance company having set up a specific plea of collusion has not established the same. As was held in *Bimla Devi (supra)*, here too, we feel that there was no reason for the police to falsely implicate the vehicle concerned in the matter and launch prosecution against the driver. If the insurance company had suspected collusion, they would have taken steps to file appropriate complaints including moving the higher police authorities or the court to order an investigation into the alleged wrongful involvement of the vehicle. There is no case for the insurance company that the police officer also colluded. The investigation by the police has resulted in charge-sheet being filed.

9) In the present case, Sulochana Matari, who lodged the FIR was not an eye witness. Kiran Dhubal (AW/2), who was an eye-witness has categorically stated that there was negligence on the part of driver of tractor as he drove the tractor when deceased was removing straw from the front wheel of tractor. Driver and Owner of offending vehicle as well as Insurance Company failed to examine the other eye-witness, namely, Chandramani Bhoi who



was also present at the site to prove contrary, thus learned Tribunal on the basis of oral evidence led by the eye-witness found the driver of tractor negligent and fastened the liability on appellant-Insurance Company.

- 10)** In light of the foregoing discussion and the settled legal principles established by the Hon'ble Supreme Court, no case is made out to interfere with the award impugned. Accordingly, this appeal fails and is hereby dismissed. No order as to cost(s).

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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