



2026:CGHC:9234



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 292 of 2020

1 - Lalit Behra S/o Ganesh Prasad Behra Aged About 52 Years
Occupation - Agriculturist, R/o Village Gahanajhariya, Police Station
And Tehsil Lailunga, District Raigarh Chhattisgarh. (Owner), District :
Raigarh, Chhattisgarh

... Appellant(s)

versus

1 - Chandrapal Das Mahant S/o Sukhidas Mahant Aged About 65 Years
R/o Village Salhepali, Police Station And Tehsil Gharghoda, District
Raigarh., District : Raigarh, Chhattisgarh

2 - Smt. Malti Mahant W/o Chandrapal Das Mahant Aged About 60
Years R/o Village Salhepali, Police Station And Tehsil Gharghoda,
District Raigarh., District : Raigarh, Chhattisgarh

3 - Ku. Geetanjali Mahant D/o Chandrapal Das Mahant Aged About 24
Years R/o Village Salhepali, Police Station And Tehsil Gharghoda,
District Raigarh., District : Raigarh, Chhattisgarh

4 - Ku. Munni Mahant D/o Chandrapal Das Mahant Aged About 22
Years R/o Village Salhepali, Police Station And Tehsil Gharghoda,
District Raigarh. (Claimants), District : Raigarh, Chhattisgarh

5 - Ritesh Kumar Rathia S/o Nathu Ram Rathia Aged About 27 Years



Caste Kanwar, R/o Gram Teram, Thana And Tahsil Gharghoda, District Raigarh Chhattisgarh. (Driver), District : Raigarh, Chhattisgarh

... Respondent(s)

For Appellant : Mr. Dinesh Yadav, Advocate holding brief of Mr. Anuroop Panda, Advocate

For Respondents No.1 to 4 : Mr. Manoj Kumar Jaiswal, Advocate

(Hon'ble Shri Justice Rakesh Mohan Pandey)

Order on Board

23/02/2026

1. The owner of the vehicle has preferred this appeal under Section 173 of the Motor Vehicles Act assailing the judgment and award passed by the learned Additional Motor Accident Claims Tribunal Gharghoda District Raigarh in Claim Case No.08/2018 dated 31.10.2019 whereby the learned Tribunal has granted compensation to the tune of Rs.9,37,200/- with interest @ 9% per annum on account of death of Rakeshdas Mahant.
2. Facts of the case, in brief, are that on 3023.04.2018 at around 8:30 AM, the driver of offending tractor bearing Registration No. CG13-BJ-7405 while driving rashly and negligently dashed motor cycle of the deceased resultantly he sustained injuries and then succumbed to death. The claimants, who are parents and siblings, filed claim case under Section 166 of the Motor Vehicles Act wherein they pleaded that the age of deceased was 20 years and was earning Rs.9,000/- per month. They claimed a sum of Rs.55,30,000/- before the Tribunal. The owner of the vehicle filed reply and took a plea that a false case was registered against the



driver of the offending tractor.

3. The driver of the offending tractor remained *ex-parte* before the Tribunal.
4. The Tribunal framed issues, parties led evidence and thereafter award was passed.
5. Learned counsel for the appellant submits that the deceased himself was negligent and contends that the motorcycle of the deceased slipped on the road and collided with the tractor; as a result, the deceased sustained injuries and subsequently succumbed to death. He further submits that the witness, Chandrapas Das Mahant, has himself admitted this fact in his evidence. Therefore, he prays that the award passed by the Tribunal be set aside.
6. Mr. Manoj Kumar Jaiswal, counsel, submits that the Tribunal has awarded just and proper compensation and, therefore, the appeal deserves to be dismissed.
7. I have heard learned counsel for the parties and perused the documents.
8. The First Information Report (Ex. A-2) was registered on 23.04.2018, wherein it is specifically stated that the driver of the offending tractor, while driving in a rash and negligent manner, dashed against the motorcycle. In the final report, this fact was reiterated. Chandrapal Das Mahant (AW-01), father of the



deceased, deposed that the driver of the offending tractor was negligent; Shivratan Mahant (AW-02), in paragraph 01 of his deposition, has categorically stated that the driver of the offending vehicle drove in a rash and negligent manner and caused the accident. In cross-examination, this witness remained firm.

9. Ritesh Rathiya (NAW-01), the driver of the offending tractor, examined himself and stated that the deceased was negligent. However, in his cross-examination, this witness admitted the fact that the FIR was registered against him and that a final report was also submitted.

10. This is a case where no complaint was made by the driver or the owner of the offending vehicle with respect to the registration of the FIR, seizure of the vehicle, or arrest of the driver before superior police authorities. In the present case, the offending tractor was not insured; therefore, the Tribunal has rightly fastened the liability upon the owner of the offending vehicle. Taking into consideration the facts discussed hereinabove, this Court does not find any sufficient ground to interfere with the award.

11. Accordingly, the appeal fails and is hereby **dismissed**.

Certified Copy as per rules.

Sd/-
(Rakesh Mohan Pandey)
JUDGE