

**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT GWALIOR**  
**BEFORE**  
**HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY**  
**ON THE 2<sup>nd</sup> OF SEPTEMBER, 2024**

**MISC. APPEAL No. 275 OF 2011**

**RAMNIWAS SINGH**

**VS.**

**KHERARAM (DELETED) & ORS.**

**AND**

**MISC. APPEAL No. 283 OF 2011**

**RAMNIWAS SINGH**

**VS.**

**NIHAL SINGH & ORS.**

APPEARANCE

Shri R.P.Gupta, learned counsel for the appellant.

None for the respondents.

**ORDER**

This common order shall govern disposal of M.A.No. 275/2011

and 283/2011 as both these appeals are filed by appellant/owner against the common award dated 20/10/2010 passed by Third Additional Motor Accident Claims Tribunal, Gwalior in Claim Case Nos. 189/2009 and 186/2009 respectively; whereby, claimant- Nihal Singh (M.A.no. 283/2011) has been awarded a compensation of Rs. 18,000/- alongwith interest @ 6% per annum for the injuries sustained by him; whreas, cliamants of M.A.No. 275/2011 have been awarded a compensation of Rs. 1,23,000/- for the death of one Parmal Singh in road accident dated 1/8/2009.

2. Briefly stated facts of the case are that on 1/8/2009 at about 4.30 in the evening when claimant Nihal Singh and deceased were going on by the side of road, it is alleged that due to rash and negligent driving of bus driver, bus No. MP07F0691 dashed them, due to which claimant Nihal Singh sustained grievous hurts, whereas, Parmal Singh succumbed to the injuries sustained by him, Therefore, Claimant Nihal Singh filed claim case claimaing Rs. 13,00,000/- as compensation whereas, dependents of deceased Parmal Singh filed Claim Case seeking total compensation of Rs. 10,20,000/- however, by the impugned awarded, they have been awarded a compensation as mentioned hereinabove.

3. While passing the impugned award, as the Claims Tribunal found that offending bus was being plied without any valid permit, Insurance Company was exonerated from its liability and driver and owner of the offending bus were fastened with the liability of payment of compensation amount.

4. It is the submission of learned counsel for the owner that

impugned award passed by learned Claims Tribunal is against settled principles of law. It is submitted that on the date of accident, permit was very much there with the bus however, the bus was on wrong route, and therefore, learned Claims Tribunal erred in holding that bus was being plied without permit and therefore, Insurance Company is liable to be exonerated from its liability.

5. None appeared on behalf of respondents to opposed the prayer.

6. From perusal of paragraph No. 28, which are the finding recorded by the Claims Tribunal while deciding Issue No. 3 in paragraphs No. 24 to 28, it is clear that on the date of accident i.e. 1/8/2009, there was no permit with the bus as temporary permit was for period 4/7/2009 to 31/7/2009 and thereafter it was renewed temporarily for period 4/7/2009 to 31/7/2009, as such there was no permit on the date of accident and therefore, in the opinion of this Court, learned Claims Tribunal did not err in passing the impugned award thereby fastening the liability for payment of compensation amount over the driver and owner of the offending bus while exonerating the Insurance Company.

7. Both the appeals fail and are hereby dismissed.

**(ROOPESH CHANDRA VARSHNEY)**  
**JUDGE**

jps/-