



1

MA-53-2014

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 31st OF OCTOBER, 2025

MISC. APPEAL No. 53 of 2014

KUBER SINGH AND OTHERS

Versus

SMT. MANJU BAI AND OTHERS

.....
Appearance:

Shri R.P.Gupta - Advocate for the appellants.

Shri Ajay Sharma - Advocate for respondents No. 1 to 5.

Shri Bal Krishna Agrawal - Advocate for respondent No. 7.

Shri Ram Vilas Sharma - Advocate for respondent No. 9.

.....
WITH

CIVIL REVISION No. 7 of 2014

KUBER SINGH AND OTHERS

Versus

NATHURAM AND OTHERS

.....
Appearance:

Shri R.P.Gupta - Advocate for the appellants.

Shri Bal Krishna Agrawal - Advocate for respondent No. 2.

Shri Ram Vilas Sharma - Advocate for respondent No. 4.

.....
CIVIL REVISION No. 9 of 2014

KUBER SINGH AND OTHERS

Versus

PUSHPENDRA SINGH AND OTHERS
.....



Appearance:

Shri R.P.Gupta - Advocate for the appellants.

Shri Bal Krishna Agrawal - Advocate for respondent No. 2.

Shri Ram Vilas Sharma - Advocate for respondent No. 4.

MISC. APPEAL No. 55 of 2014

KUBER SINGH AND OTHERS

Versus

MARTAND SINGH AND OTHERS

Appearance:

Shri R.P.Gupta - Advocate for the appellants.

Shri Ajay Sharma - Advocate for respondent No. 1.

Shri Bal Krishna Agrawal - Advocate for respondent No. 2.

Shri Ram Vilas Sharma - Advocate for respondent No. 4.

MISC. APPEAL No. 56 of 2014

KUBER SINGH AND OTHERS

Versus

SMT. BABY RAJA AND OTHERS

Appearance:

Shri R.P.Gupta - Advocate for the appellants.

Shri Ajay Sharma - Advocate for respondents No. 1 to 5.

Shri Bal Krishna Agrawal - Advocate for respondent No. 6.

Shri Ram Vilas Sharma - Advocate for respondent No. 8.

ORDER

By this common order, M.A. No.53/2014, M.A. No.55/2014, M.A.



No.56/2014, C.R. No.7/2014 and C.R. No.9/2014 shall be decided. Since all the cases arise out of the same incident, therefore, all the miscellaneous appeals and civil revisions are being decided by this common order.

(2) M.A. No.53/2014 has been filed against the Award dated 09.10.2013 passed by Additional Motor Accident Claims Tribunal, Datia in Claim Case No.50/2013, M.A. No.55/2014 has been filed against the Award dated 09.10.2013 passed by Additional Motor Accident Claims Tribunal, Datia in Claim Case No.53/2013, M.A. No.56/2014 has been filed against the Award dated 09.10.2013 passed by Additional Motor Accident Claims Tribunal, Datia in Claim Case No.49/2013, C.R. No.7/2014 has been filed against the Award dated 09.10.2013 passed in Claim Case No.52/2013 and C.R. No.9/2014 has been filed against the Award dated 09.10.2013 passed by Additional Motor Accident Claims Tribunal, Datia in Claim Case No.51/2013.

(3) In M.A. No.53/2014, respondent No. 6 - Smt. Sheela Devi, who was the mother of deceased, has already expired.

(4) Since the other legal representatives of the deceased are already on record, therefore, learned counsel for the appellant seeks permission of this Court to delete the name of respondent No. 6 - Smt. Sheela Devi in M.A. No.53/2014.

(5) At the risk and cost of the appellant, name of respondent No. 6 - Sheela Devi in M.A. No.53/2014 is permitted to be deleted. Necessary



amendment be carried out in the Court itself with the permission of the Court.

(6) Facts necessary for disposal of present appeal in short are that on 04.05.2011 at about 11:00 PM, an accident was caused by offending vehicle, as a result, Jayendra Singh @ Patel and Shankar Prasad expired, whereas Pushpendra Singh, Nathuram and Martand Singh sustained injuries and, accordingly, claim petition under Section 166 of Motor Vehicles Act were filed. By the impugned Award, all the claim petitions have been allowed and all the five miscellaneous appeals/civil revisions have been filed by the owner and driver.

(7) So far as M.A. No.53/2014, M.A. No.55/2014, C.R. No.7/2014 and C.R. No.9/2014 are concerned, it is fairly conceded by learned counsel for the appellant that principle of contributory negligence would not apply because the injured and the deceased were sitting in a Maruti Van. However, in M.A. No.56/2014, it is submitted by learned counsel for the appellant that principle of contributory negligence would apply because the said claim petition was filed by the legal representative of driver of Maruti Van. Although learned counsel for the appellant had referred to the statement of Pushpendra Singh recorded in criminal case, but in the considered opinion of this Court, the evidence led by the parties in the claim petition is only required to be considered. No suggestion was given to Pushpendra Singh (PW-3) in the claim petition about the place of incident. Although by reading out the statement /



evidence of Pushpendra Singh, which was recorded in a criminal case, learned counsel for the appellant tried to convince this Court that since the Maruti Van was also on the extreme ride and collided with the offending vehicle, which was moving on the left side, but since no such suggestion was given to Pushpendra Singh in the claim petition and even the statement of Pushpendra Singh recorded in the criminal case was not controverted or even the attention of the witness Pushpendra Singh (PW-3) was also not invited towards his previous statement / evidence recorded in criminal case, this Court is of the considered opinion that whatever was stated by Pushpendra Singh in criminal case cannot be read in the present case to hold that the driver of the Maruti Van was equally responsible.

(8) Under these circumstances, this Court is of the considered opinion that the Claims Tribunal did not commit any mistake by holding that the driver of the offending vehicle was solely responsible for causing accident, which resulting in death of 2 persons and injuries to 3 persons.

(9) No other arguments are advanced by the learned counsel for the parties.

(10) It is submitted by learned counsel for the claimants that in M.A. No.53/2014, M.A. No.55/2014 and M.A. No.56/2014, claimants have filed their cross objections, but fairly conceded that no Court fee has been paid.



(11) Accordingly, in absence of Court fee, cross objections filed by the claimants cannot be considered and, accordingly, they are rejected under Order 7 Rule 11 of CPC.

(12) Since nothing more is required to be adjudicated in all the five cases, accordingly, the Award dated 09.10.2013 passed by Additional Motor Accident Claims Tribunal, Datia in Claim Case No.50/2013, Claim Case No.53/2013, Claim Case No.49/2013, Claim Case No.52/2013 and Claim Case No. 51/2013, is hereby affirmed.

(13) Accordingly, M.A. No.53/2014, M.A. No.55/2014, M.A. No.56/2014, C.R. No.7/2014 and C.R. No.9/2014 are hereby dismissed.

(G. S. AHLUWALIA)
JUDGE

Abhi