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MA-1154-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH

ON THE 18<sup>th</sup> OF AUGUST, 2025MISC. APPEAL No. 1154 of 2025*PAPPU @ LEKHRAJ RAGHUVANSHI**Versus**KALURAM @ KALYAN SINGH AND OTHERS*

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Appearance:

Shri Arvind Singh Yadav - Advocate for the appellant.

Shri Anuraj Saxena- Advocate for respondents No.1 and 2.

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ORDER

This appeal under Section 173(1) of the Motor Vehicles Act filed by owner/driver of the offending vehicle arising out of the award dated 07.08.2024 passed by First Additional Member, M.A.C.T., Sironj, Distirct Vidisha in MACC No.03/2022 on account of exonerating him from liability.

2. Brief facts of the case are that on 18.10.2017 at round 09:30 PM, appellant has parked his trolley at petrol pump located at Village Pathariya without any warning signal or head light, owing to which deceased collided with the trolley and had sustained grievous injuries due to which he had died. Immediately after the incident, the parents of the deceased lodged a report at Pathariya Police Station at Merg Intimation No.23/2017 under Section 174 of IPC. During the investigation, police registered Crime No.120/2017 under Section 304-A of IPC. Charge sheet was filed before the competent Court.

3. Respondents, who are the legal representatives of Pawan Ahirwar



filed a claim petition before learned Claims Tribunal seeking compensation.

4. Counsel for appellant filed their written statements. Thereafter, Claims Tribunal framed issues and after recording of evidence, Claims Tribunal awarded compensation to the tune of Rs. 12,30,700/- along with interest in favour of claimants.

5. Being aggrieved by the impugned award appellant filed this appeal and submitted that award passed by Claims Tribunal is not sustainable in the eye of law. Learned Tribunal has failed to consider that at the time of accident, trolley was not attached with tractor. Trolley was parked alone and deceased dashed with it in night. Therefore, trolley which is standing alone is not covered under Section 2(28) of the Motor Vehicles Act as a motor vehicle. Hence, prayed for setting aside the impugned award.

6. On the other hand, learned counsel for respondents supported the impugned award and prayed for rejection of this appeal.

7. After hearing learned counsel for both the parties, moot question for consideration in this case is whether trolley which is standing alone from which instant accident has occurred, comes within the purview of Motor vehicle as defined in Section 2(28) of Act or not?

8. Considering the FIR (EX.P-2) which is read as under:-

जांच के दौरान घटना स्थल निरीक्षण मजरूब अमर सिंह अहिरवार, घटना स्थल के मेडिया अमर सिंह रघुवंशी नि पथरिया के कथन लिये गये, जिन्होंने कथन में घटना स्थल पर टली मालिक पप्पू उर्फ लेखराज सिंह रघुवंशी नि पथरिया द्वारा अपनी टली लापरवाही पूर्वक रोड किनारे खाली टली छोड़कर चला गया था कोई सुरक्षा में भी नहीं लगा था, जिससे पवन अहिरवार की मोटरसाइकिल अंधरे में टकरा गयी, जिससे उक्त घटना घटित हुई। संपूर्ण मर्ग जांच पर पाया गया कि पप्पू रघुवंशी द्वारा अपने ट्रैक्टर की टली को रोड पर अंधरे में खड़ी करके उसमें रेडियम कटर या कोई अन्य संकेतक नहीं और सुरक्षा मापदंड नहीं लगाये थे, जो कि आरोपी द्वारा उक्त उपेक्षापूर्ण किये गये कार्य से दुर्घटना हुई है,



जिससे मृतक की मृत्यु हो गयी, जो कि प्रथम दृष्टया धारा 304 ए भादवि की आरोपी टाली मालिक लेखराज सिंह उर्फ पप्पू रघुवंशी नि पथरिया के विरुद्ध घटित होना पाया जाने से अपराध पंजीबद्ध कर विवेचना में लिया गया।

9. So, on perusal of FIR (Ex.P-2), it is crystal clear that trolley was parked alone on the road side. It is also clear that at the time of accident, trolley was not attached with any motor vehicle.

10. Section 2(28) of Motor Vehicles Act, 1988 defines “Motor Vehicle”/”Vehicle” as follows-

“motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding1 [twenty-five cubic centimetres]

11. Section 2(39) of the Motor Vehicles Act of 1988, motor vehicle is defined as:-

"semi-trailer means a vehicle not mechanically propelled (other than a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by, that motor vehicle;]"

12. From the above definition, it is clear that trolley which is standing without attaching to the tractor, cannot said to be a motor vehicle.

13. Considering the above definitions, it is clear that if trolley is not connected with the motor vehicle, then it is not covered under Section 2(28) of Motor Vehicles Act. Further, it is clear from the FIR that trolley was standing alone on the road side without attaching with motor vehicle, so



trolley which was parked alone without any motor vehicle is not covered under Section 2(28) of the Motor Vehicles Act.

14. In view of discussion in the foregoing paras, in this Court's considered opinion, only trolley was parked alone on the road and deceased dashed it on the date of incident, so trolley does not come within the purview of motor vehicle and in the definition under Section 2(28) of Motor Vehicles Act, hence, the Claims Tribunal has committed error in awarding compensation in favour of respondents, therefore, finding of the Tribunal in this regard is erroneous and, therefore, impugned award is set aside.

Appeal filed by appellant is **disposed of** accordingly.

(HIRDESH)  
JUDGE

\*AVI\*