



2026:CGHC:13522

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 345 of 2019**

Branch Manager, United India Insurance Company Limited, Office Opposite Paras Complex, Gurudwara, Station Road, Durg, Tehsil & District Durg, Chhattisgarh, Through Authorized Signatory United India Insurance Company Limited, Divisional Office, 2<sup>nd</sup> Floor, Guru Kripa Towers, Vyapar Vihar Road, Bilaspur, Chhattisgarh.

(N.A.No.3)

--- **Appellant**

**versus**

1. Smt Nira, aged 40 years, Wd/o Late Bharat Lal,
2. Khilesh Kumar, aged 23 years
3. Manish Kumar, aged 21 years
4. Nemichand, aged 18 years

Resp. Nos.2 to 4 S/o Late Bharat Lal

All above by Caste "Kenvat", R/o Village Rouna, Post Kandul, Police Station Arjunda, Tehsil Gundardehi, District Baloud, Chhattisgarh.

(Claimants)

5. Chandan Kumar, aged 32 years, S/o Mohan Lal Nishad, R/o Village & Post Sikosa, Police Station & Tehsil Gunderdehi, District Baloud, Chhattisgarh.

(Driver)

6. Laxmi Narayan Sinha, aged 49 years, S/o Late Yadram Sinha, Caste Kalar, R/o Village Chaingunj, Post & Police Station & Tehsil Gundardehi, District Baloud, Chhattisgarh.

(Owner)

--- **Respondents**

**AND**



**MAC No. 348 of 2019**

Branch Manager, United India Insurance Company Limited, Office Opposite Paras Complex, Gurudwara, Station Road, Durg, Tehsil & District Durg, Chhattisgarh, Through Authorized Signatory, United India Insurance Company Limited, Divisional Office, 2<sup>nd</sup> Floor, Guru Kripa Towers, Vyapar Vihar Road, Bilaspur, Chhattisgarh.

(N.A.No.3)

--- **Appellant**

**Versus**

1. Smt. Kachara Bai, aged 40 years, Wd/o Late Mahangu Ram
2. Tikam Nishad, aged 30 years, S/o Late Mahangu Ram
3. Mohan Nishad, aged 27 years, S/o Late Mahangu Ram
4. Kuleshwar Nishad, aged 25 years, S/o Late Mahangu Ram
5. Kumari Gayatri Nishad, aged 22 years, D/o Late Mahangu Ram

All above by Caste Kenvat, R/o Village Rouna, Post Kandul, P.S. Arjunda, Tehsil Gundardehi, District Baloud, Chhattisgarh.

(Claimants)

6. Chandan Kumar, aged 32 years, S/o Mohan Lal, R/o Village & Post Sikosa, P.S. & Tehsil Gunderdehi, District Baloud, Chhattisgarh.
7. Laxmi Narayan Sinha, aged 49 years, S/o Late Yadram Sinha, Caste Kalar, R/o Village Chaingunj, Post & P.S. & Tehsil Gundardehi, District Baloud, Chhattisgarh.

(Owner)

--- **Respondents**

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For Appellant : Mr. Priyanshu Gupta, Advocate on behalf of Mr. B.N. Nande, Advocate.

For Respondents : None present, though served.

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**Single Bench:-**

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**20/03/2026**



1. Since common question of law and fact is involved in both these appeals, they were clubbed together and heard analogously and are being disposed of by this common order.
2. The sole contention that has been raised by Mr. Priyanshu Gupta, learned counsel appearing on behalf of the appellant herein/ Insurance Company is that the offending vehicle did not have the specific fitness certificate on the date of accident i.e. 27-3-2017, therefore, the Insurance Company is not liable to pay compensation.
3. None present for the respondents, though served.
4. I have heard learned counsel for the appellant and considered his submissions and also perused the record with utmost circumspection.
5. Though plea has been taken by the Insurance Company and witness Abdul Naeem Khan has been examined to prove the said fact, but the Claims Tribunal has clearly recorded a finding that no document has been filed to hold that the offending vehicle did not have the specific fitness certificate on the date of accident. As such, the Insurance Company could not prove the plea raised by it. However, it is apparent from the record that the vehicle was insured from 23-2-2017 to 22-2-2018, whereas the accident took place on 27-3-2017. As such, the Insurance Company could not prove the fact that the vehicle did not have effective fitness certificate on the date of accident.



6. In that view of the matter, I do not find any merit in these two appeals, they deserve to be dismissed and are accordingly dismissed leaving the parties to bear their own cost(s).

Sd/-  
(Sanjay K. Agrawal)  
**Judge**

Soma