



2025:CGHC:31115

MAC No. 263 of 2018



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 263 of 2018

1 - Branch Manager, Tata Aig General Insurance Company Limited, Kolkata, Branch W. B., Tata Aig General Insurance Company Limited, Lal Ganga Shopping Complex, 2, 2nd Floor, G. E. Road, Raipur, 492001, Chhattisgarh District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Appellant

versus

1 - Nasir Khan Ajj Khan, Aged About 41 Years Cast Musalman, R/o Pongro, P. S. Kansabel, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

2 - Mohd. Imran Khan, Mohd. Monan Khan, R/o Himpidi, Nala Road Ranchi, Post And Police Station Himpidi, District Ranchi, Jharkhand., District : Ranchi, Jharkhand

3 - Gouri Shankar Prasad, Mathura Prasad , Aged About 46 Years R/o Chandiya, B. C. C. S. Colony, Q. T. No. M 214, Dumda Bokaro, Jharkhand. 971001, District : Bokaro *, Jharkhand

... Respondent(s)

For Appellant : Mr. Arvind Panda, Advocate

For Respondent(s) : Mr. Sourabh Sonwani, Advocate on behalf of
Mr. Sanjay Agrawal, Advocate



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Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

07.07.2025

- 1 Heard on I.A. No.01 of 2018 – an application for condonation of delay.
- 2 Upon due consideration and for the reasons assigned in the application, the same is allowed. Delay of 07 days in filing the appeal is hereby condoned.
- 3 Heard on admission. Admit.
- 4 This is the insurer's appeal against the award dated 31.10.2017 passed by the Additional Motor Accident Claims Tribunal, Kunkuri District Jashpur (C.G.) in Claim Case No.45/2011 whereby a compensation of Rs.72,813/- with interest @ 06% per annum has been awarded in favour of the Claimants.
- 5 The facts, in brief, necessary for disposal of this appeal, are that on 01/02/2008 at 10.30 a.m. Nasir Khan along with his friend Mohar Sai S/o Bhoso Mirza, were going from Pongro to Tagada Fuleta on Mohar Sai's own motorcycle number CG 15 E-8044, Mohar Sai driving the motorcycle. Imran Khan (Respondent No.2), the driver of a new Honda City GXI car came from Tamta, hit the motorcycle from behind, due to which Mohar Sai died on the spot



and Nasir Khan suffered serious injuries. Respondent No.1 became permanently disabled. The injured was taken to Holicross Hospital, Kunkuri for treatment, Pathalgaon, from where, on the advice of the doctor, he was taken to Shri Ram Hospital, Pathalgaon, Ambikapur and on the advice of the doctor of Shri Ram Hospital, Ambikapur, Nasir Khan (Respondent No.1) was taken to Holicos Hospital, Kunkuri for treatment, where he remained from 03/02/2008 to 08/02/2008. At the time of the accident, the driver of the vehicle that caused the accident i.e. Honda City GXI temporary number UCH 60117 (T) 07 was driven by Mohd. Imran Khan (Respondent No.02) and the owner was Gaurishankar Prasad (Respondent No.3) and the insurer of the said vehicle was the present appellant herein. They are jointly and severally held liable to pay compensation for the damages suffered. The applicant therein has claimed a total compensation of Rs. 36,17,521 (Thirty-six lakhs seventeen thousand five hundred twenty-one) under various heads. Hence this appeal is filed by the Insurance Company.

- 6 The learned Claims Tribunal, after appreciating the pleadings and evidence set-forth by the parties, held that the accident occurred due to the rash and negligent driving of the offending vehicle by Respondent No.1. It was further held by the Tribunal that the insured had sustained serious injuries in the accident, resulting in



a 20% disability. The Tribunal awarded compensation to the tune of ₹72,813/-, including expenses incurred for medical treatment. In respect of pain and suffering, special diet, and transportation, an amount of ₹20,000/- was awarded. Therefore, the total compensation of ₹72,813/- was granted by the Tribunal to the claimants.

- 7 Learned counsel appearing on behalf of the Insurance Company submits that learned Claims Tribunal erred in law in passing the impugned judgment and has wrongly appreciated the evidence on record. It is further contended that on the date of accident driver/Respondent No.2 had not possessed the valid and effective driving license to drive the vehicle, therefore, there was clear breach of policy conditions and the insurance company cannot be held liable for payment of compensation. Thus, the appeal is liable to be allowed and the insurance company is entitled for exoneration.
- 8 Learned Counsel appearing for Respondent No.1/Claimant supported the impugned award and submitted that the award in question is based on the proper appreciation of the oral as well as documentary evidence which does not call for any interference.
- 9 Respondents No.2 and 3 herein remained ex-parte before the learned Claims Tribunal and did not submit any written statement



or evidence in support of their case.

10 I have heard learned counsel for the appellant and perused the record.

11 Upon hearing learned counsel for the parties and on perusal of the record, it is clear that the vehicle involved in the accident was duly insured with the appellant on the date of the incident. The Tribunal has correctly assessed the compensation payable and, in the absence of any cogent proof by the appellant regarding the invalidity of the driver's licence or willful breach of policy terms by the insured, the finding of liability against the insurance company is just and proper. This Court does not find any illegality or perversity in the findings recorded by the Tribunal warranting interference.

12 The appeal is **dismissed**. The award passed by the learned Claims Tribunal is **affirmed**. The Insurance Company is directed to satisfy the award in accordance with law, if not already done.

13 Record of the Claims Tribunal be sent back along with a copy of this order forthwith for information and necessary action, if any.

Sd/-
(Amitendra Kishore Prasad)
Judge