



2026:CGHC:14789



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 405 of 2019**

1 - National Insurance Co. Ltd. Through Branch Manager, Branch Office
13 Minu Complex, Main Road, Kosabadi Korba, District- Korba,
Chhattisgarh..... Insurance Company., District : Korba, Chhattisgarh

... Appellant**versus**

1 - Miss Sandhya Khairwar D/o Late Ratanlal Aged About 23 Years R/o
Pump House Q. No. M/13, Secl Colony, Police Station- Kotwali, District-
Korba, Chhattisgarh. Present Address- Deepaka, Tahsil- Katghora,
District- Korba, Chhattisgarh.....Claimants., District : Korba,
Chhattisgarh

2 - Binu Kumar S/o Late Ratanlal Aged About 30 Years R/o Pump
House Q. No. M/13, Secl Colony, Police Station- Kotwali, District-
Korba, Chhattisgarh. Present Address- Deepaka, Tahsil- Katghora,
District- Korba, Chhattisgarh.....Claimants., District : Korba,
Chhattisgarh

3 - Manohar Lal Kanwar S/o Bachanram Kanwar Aged About 35 Years
R/o Sipahimuda Darra, Police Station- Sakti, District- Janjgir-Champa,
Chhattisgarh..... Driver., District : Janjgir-Champa, Chhattisgarh

4 - M/s R.K. Enterprises Proprietor, Indar Mohan Jha, R/o Mig 93, R.P.



Nagar, Korba, District- Korba, Chhattisgarh.....Owner Of The Vehicle.,
District : Korba, Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. P.K. Tulsyan, Advocate.
For Respondents 1 & 2	:	Miss Priyanka Bajpai appears on behalf of Mr. Utkal Pradhan, Advocate.
For Respondent No.4	:	Ms. Anchala Rathore, Advocate.

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/03/2026

1. The appellant/Insurance Company has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act, 1988') calling in question the legality, validity and correctness of the award dated 14.8.2018 passed by the Additional Motor Accident Claims Tribunal, Katghora, District Korba (for short 'the Claims Tribunal') in Claim Case No.25/2017 by which liability to pay compensation of Rs.30,35,336/- has been fastened on the Insurance Company.
2. Mr. Pravin Kumar Tulsyan, learned counsel for the appellant would submit that the Claims Tribunal was not justified in holding that the driver of offending vehicle was having valid permit to ply the offending vehicle. He would rely on decision of the Hon'ble Supreme Court in the matters of **Pappu and Ors. Vs. Vinod Kumar Lamba and Anr.** {AIR 2018 SC 592} and **Amrit Paul**



Singh and Anr. Vs. TATA AIG General Insurance Co. Ltd and Ors. {AIR 2018 SUPREME COURT 2662}.

3. On the other hand, learned counsel for the respondents would support the impugned award.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. Though the Insurance Company has taken a vague plea in its written statement that the owner of the offending vehicle did not have valid and effective fitness certificate and permit to ply the offending vehicle, but surprisingly, no evidence was led by the Insurance Company to establish the said fact. To prove that the owner of the offending vehicle did not have the valid and effective permit and fitness certificate, Insurance Company must have brought on record the clinching evidence in this regard which has not been done. Furthermore, Insurance Company has failed to prove that the driver of the offending vehicle did not have valid and effective licence to ply the vehicle by bringing the clinching evidence on record. In that view of the matter, this Court is of the opinion that the Claims Tribunal has rightly allowed the claimants application and, therefore, the Claims Tribunal has rightly fastened the liability upon the Insurance Company however, the decisions cited by learned counsel for the appellant are not applicable.



6. So far as quantum of compensation amount is concerned, considering the entire facts situation of the case, I am of the opinion that the compensation assessed is just and proper.
7. After hearing learned counsel for respondents No.1 & 2, I do not find any good ground to enhance the amount of compensation. Accordingly, Cross Appeal preferred by respondents No.1 & 2 deserves to be and is hereby rejected
8. Resultantly, the Appeal fails and is hereby dismissed and the Cross Appeal also stands rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Barve