



2026:CGHC:21146



2026:CGHC:16471  
NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.A.(C) No. 481 of 2022**

United India Insurance Company Limited Through Its Branch Office, Brahma Road,  
Near Kumkum Hotel, Ambikapur, District Surguja, Chhattisgarh

(Insurer)

--- Appellant

**Versus**

**1** - Basanti Kunwar Wd/o Late Rajesh Ram Aged About 38 Years R/o Village  
Ramkanda, Post Office And Police Station Ramkanda, District Garhwa, Jharkhand,

**2** - Rupesh Kumar S/o Late Rajesh Ram Aged About 10 Years Since Minor  
Represented By Natural Guardian And Mother Smt. Basanti Kunwar, Wd/o Late  
Rajesh Ram, R/o Village Ramkanda, Post Office And Police Station Ramkanda,  
District Garhwa, Jharkhand

**3** - Pushpa Kumari D/o Late Rajesh Ram Aged About 7 Years Since Minor  
Represented By Natural Guardian And Mother Smt. Basanti Kunwar, Wd/o Late  
Rajesh Ram, R/o Village Ramkanda, Post Office And Police Station Ramkanda,  
District Garhwa, Jharkhand

**4** - Khushboo Kumari D/o Late Rajesh Ram Aged About 5 Years Since Minor  
Represented By Natural Guardian And Mother Smt. Basanti Kunwar, Wd/o Late  
Rajesh Ram, R/o Village Ramkanda, Post Office And Police Station Ramkanda,  
District Garhwa, Jharkhand

**5** - Mukesh Kumar S/o Late Rajesh Ram Aged About 3 Years Since Minor  
Represented By Natural Guardian And Mother Smt. Basanti Kunwar, Wd/o Late  
Rajesh Ram, R/o Village Ramkanda, Post Office And Police Station Ramkanda,  
District Garhwa

**6** - Munshi Singh S/o Ramnath Singh Aged About 28 Years Occupation Vehicle  
Driver, R/o Village Lodha, Police Station Ramchandrapur, District Balrampur  
Ramanujanj, Chhattisgarh

(Driver)

**7** - Gokul Prasad S/o Shyam Sunder Prasad Aged About 40 Years Occupation  
Vehicle Owner, Resident Of Village Kewli, Post Chaki, Police Chowki Vijay Nagar,  
Police Station And Tehsil Ramanujanj, District Balrampur Ramanujanj,  
Chhattisgarh

**8** - Mangru Yadav @ Nandlal Yadav S/o Shiv Yadav Aged About 30 Years Occupation  
Vehile Driver, Resident Of Village Ramkanda, Post Office And Police Station  
Ramkanda, District Garhwa, Jharkhand

--- Respondents

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For Appellant

: Shri Abhishek Vinod Deshmukh, Advocate  
appeared through Video Conferencing.

For Respondents

: None.

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**Hon'ble Shri Justice Sachin Singh Rajput**

**Order on Board**

**06/05/2026**

1. Heard.
2. Challenge in this appeal filed under Section 173 of Motor Vehicles Act, 1988 (for short 'MV Act') by the appellant / claimant is to the legality, correctness and validity of the award dated 09.12.2021 passed by Motor Accident Claims Tribunal (for short "Tribunal"), Balrampur place Ramanujganj (C.G.) in M.A.C.C. No. - 37/2019.
3. By the award impugned, against a claim of Rs.49,35,000/-, the learned Claims Tribunal has awarded compensation of Rs.17,40,760/- along-with interest at the rate of 9% per annum from the date of claim application till its realization in favour of respondents/claimants partly allowing the claim application on account of death of deceased – Rajesh Ram in an unfortunate accident that occurred on 24.04.2017 by rash and negligent driving of the offending vehicle Scorpio bearing registration No. CG-15-DA-6512. Driven by respondent No.6/driver, Owned by respondent No.7/Owner and insured with appellant.
4. As per pleadings in the claim application filed under section 166 of the MV Act, on the date of accident i.e. 24.04.2017, the deceased had gone by Tata Magic vehicle to attend a marriage function at Village–Chaki. While returning, at about 07:50 AM, when they reached near Wadraffnagar Main Road at Village–Lurgi, the driver of the offending vehicle Scorpio, drove the vehicle in a rash and negligent manner and dashed against the vehicle of the deceased. As a result thereof, the deceased sustained severe injuries and was taken to Government Hospital, Ramanujganj, but on the way the deceased, Rajesh Ram, succumbed to the injuries. The accident was



reported at Police Station – Ramanujganj and an offence punishable under Sections 278, 337, 338 and 304(A) of the IPC was registered against the driver of the offending vehicle in Crime No. 58/2017. Thus above stated compensation was claimed.

5. As per further pleadings of the Claim application, the deceased was a Skilled mason and was earning Rs.13,500/- per month.
6. The respondent Nos. 1 and 2 by filing joint written statement denied the averments of the claim application that accident had occurred due to negligent of the Scorpio vehicle and they has been falsely implicated.
7. The claim application was resisted by respondent No.3 / Insurance Company by denied the above averment by filing written statements and taking a plea that the driver of the offending vehicle was not holding the valid and effective driving license. There is a violation of terms and condition of the insurance Policy. Hence, Insurance Company may be exonerated.
8. On the basis of above broad pleadings of the parties, the learned Tribunal framed eight issues and decided the same in favour of the respondent/claimant.
9. Learned counsel for the appellant submits that the appeal has been filed only on two point - firstly deceased also contributed in causing the accident and secondly age of the deceased was not considered on the basis of adhar card which has been filed along-with the application under Order 41 Rule 27 of the CPC.
10. Heard the learned counsel for the appellant, considered rival submissions and also perused the record with utmost circumspection.
11. The submission made by the learned counsel for the appellant is out-rightly rejected in light of judgment of the Hon'ble Supreme Court in case of **T. O. Anthony V. Karvarnan and ors, (2008) 3 SCC 748**. It's not a case of



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contributory negligence rather it's a case of composite negligence. Therefore, this Court does not find any merit in this submission.

**12.** Next contention is that adhar card is to be taken into for determination age for which the application is filed. Photo-copy of the adhar card is annexed with the application under Order 41 Rule 27 of the CPC. It is well settled law that adhar cannot be taken as a gospel truth to ascertain the age of a person. In a recent judgment in case of **Saroj and Others Vs. Iffco Tokio General Insurance Co. and Others; 2024 INSC 816**, the Hon'ble Supreme Court after taking into consideration various orders passed by different High Courts and circulars of Unique Identification Authority of India accepted the contention of claimant based on the school leaving certificate for determination of age. Thus this contention is also rejected. The application under Order 41 Rule 27 CPC is rejected.

**13.** Thus, appeal fails and dismissed at the admission stage.

**14.** All the pending applications and Interim application, if any, shall also disposed of. Interim order, if any is also vacated.

Sd/-

**(Sachin Singh Rajput)**  
Judge