

NIRMALA
RAO



2026:CGHC:9382

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 772 of 2019

1 - Omprakash S/o Hemlal Sahu Aged About 26 Years R/o Village Phulwari, P.O. Newari, P.S.- Suhela, District- Balodabazar, Chhattisgarh, At Present R/o Village And P.O.- Kharora, P.S. Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Bhupendra S/o Hemlal Sahu Aged About 22 Years R/o Village Phulwari, P.O. Newari, P.S.- Suhela, District- Balodabazar, Chhattisgarh, At Present R/o Village And P.O.- Kharora, P.S. Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Rekha D/o Hemlal Sahu Aged About 20 Years R/o Village Phulwari, P.O. Newari, P.S.- Suhela, District- Balodabazar, Chhattisgarh, At Present R/o Village And P.O.- Kharora, P.S. Kharora, District- Raipur, Chhattisgarh.....(Applicants), District : Raipur, Chhattisgarh

... Petitioner(s)

versus

1 - Hemlal S/o Lt. Mansharam Sahu R/o Village Puhlvari, P.O.- Newari, P.S. Suhela, District- Balodabazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

2 - The Oriental Insurance Com.Ltd. Through The Divisional Manager, The Oriental Insurance Co.Ltd. Jail Road, Raipur, Tah. And District- Raipur, Chhattisgarh..... (Non-Applicants), District : Raipur, Chhattisgarh

... Respondent(s)

For Appellants : Shri Rakesh Thakur, Advocate.

For Respondent No.2 : Shri Hanuman Prasad Agrawal,
Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

23.02.2026

1. The appellants/ claimants have assailed the judgment and award passed by the learned First Additional Judge to the First Additional Motor Accident Claims Tribunal, Raipur in Claim Case No.128 of 2013 dated 24.10.2018 whereby the learned Tribunal has dismissed the claim petition.
2. The facts, in brief, are that on 24.6.2013 at about 7:15 pm, while respondent No.1 was going towards Village Hirmi on a motorcycle bearing registration No. C.G.04 K.E. 7059 alongwith his wife, namely Kumari Bai Sahu, the front tyre of the motorcycle got burst, as a result of which Smt. Kumari Bai Sahu fell on the road and sustained serious injuries. At that time, an unknown Truck ran over and crushed her, due to which she lost her life. The claimants, who are children of the deceased filed a claim case under Section 163-A of the Motor Vehicles act wherein they pleaded a sum of Rs.19,12,000/-. The Insurance Company filed reply and took a specific plea that on the date of accident, the rider of the motorcycle, namely Hemlal Sahu did not have a valid and effective driving license. Learned Tribunal framed the issues, the parties led their evidence and thereafter, an award was passed.
3. Learned counsel for the appellants would submit that the deceased fell down from the motorcycle, sustained injuries and resultantly, succumbed to death. He would contend that the motorcycle was

insured with the Oriental Insurance Company Limited and that the driver had a valid driving license, therefore, the learned Tribunal should have fastened the liability with the Insurance Company and allowed the claim petition.

4. On the other hand, learned counsel for respondent No.2/ Insurance Company would oppose the submissions made by counsel for the appellants. He would submit that respondent No.1 – Hemlal is husband of the deceased and admits that the deceased was a pillion rider on the motorcycle. He would contend that on the date of accident, the rider of the motorcycle did not have any driving license and that the xerox copy of the driving license produced was found to be forged. He would submit that an official from the Regional Transport Authority, namely Rajesh Kumar Bhargav was examined, who categorically deposed that the said driving license was never issued to respondent No.1 – Hemlal. He would submit that the claimants failed to establish the respondent No.1 possessed a valid driving license. He would submit that the learned Tribunal, after considering the evidence adduced by the parties, rightly dismissed the claim petition.
5. I have heard learned counsel for the parties and perused the documents present on record.
6. A perusal of the record would reveal that the claimants failed to place on record any valid driving license of respondent No.1- Hemlal. In the FIR, it is stated that the deceased fell down from the motorcycle and was crushed by an unknown vehicle. In the merger intimation, same story is depicted. A xerox copy of the driving license of respondent No.1 was seized by the police during the course of investigation and in enquiry, the said document was found to be forged. The claimants

failed to prove that on the date of accident, the rider of the motorcycle possessed a valid and effective driving license. Since the rider did not hold a valid driving license, there was a breach of the terms and conditions of the Insurance Policy, therefore, the learned Tribunal has rightly exonerated the Insurance Company from liability. As the claim case was filed under Section 163-A of the Motor Vehicles Act and the deceased was residing alongwith the claimants (her children) and respondent No.1 (her husband), no award can be passed against the father of the claimants.

7. Taking into consideration the findings recorded by the learned Tribunal, I do not find any good ground to interfere with the impugned judgment and award. Accordingly, this appeal fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)

Judge