



2026:CGHC:21179

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 834 of 2019

1 - Manager United India Insurance Company Limited Branch Road, Near Kumkum Hotel, Ambikapur District Surguja Chhattisgarh Pin-497001 Through Authorized Signatory United India Insurance Company Limited Divisional Office, 2nd Floor Guru Kripa Towers Vyapar Vihar Road Bilaspur Chhattisgarh

... Appellant

versus

1 - Shivbalak S/o Gandlu Aged About 57 Years Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

2 - Janki W/o Shivbalak Aged About 52 Years Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

3 - Jugari Wd/o Late Puranchandra Ratre Alias Puran Marpachi Aged About 29 Years Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

4 – Ram, aged 15 years, S/o Late Puranchandra Ratre Alias Puran Marpachi Minors Represented Through Natural Guardian Mother Respondent No.3 Jugari By Caste Gond Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

5 – Manglawati, D/o Late Puranchandra Ratre Alias Puran Marpachi Aged About 12 Years Minors Represented Through Natural Guardian Mother Respondent No.3 Jugari By Caste Gond Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

6 - Rekha D/o Puranchandra Ratre Alias Puran Marpachi Aged About 9 Years Minors Represented Through Natural Guardian Mother Respondent No.3



Jugari By Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

7 – Ravinath, S/o Late Puranchandra Ratre Alias Puran Marpachi, aged 07 years, Minor Represented Through Natural Guardian Mother Respondent No.3 Jugari By Caste Gond R/o Parsagudi, P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

8 - Franchis Xavier Khalkho S/o Julius Khalkho R/o Balrampur P.S And Tehsil Balrampur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

9 - Jay Kumar Singh S/o Lal Bihari Singh R/o Budha Bagicha P.S. And Tehsil Rajpur District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Abhishek Mishra appears on behalf of Mr. BN Nande, Advocate.
For Respondents No.1 to 3	:	Ms. Soniya Kuldeep, Advocate.

(Single Bench)
Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

06/05/2026

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 31.1.2019 passed by the Additional Motor Accident Claims Tribunal, Ramanujganj (for short 'the Claims Tribunal') in Claim Case No.43/2016 by which liability to pay compensation of Rs.13,36,800/- has been fastened on the appellant/Insurance Company as well as respondents No.8 & 9 herein.
2. Mr. Abhishek Mishra, learned counsel for the appellant/Insurance Company would submit that the offending vehicle was falsely implanted



in order to recover the compensation amount whereas the vehicle was not involved in the accident. The deceased while riding the motorcycle caused the accident and died. As such, the deceased himself was negligent and, therefore, the Insurance Company is not liable.

3. On the other hand, Ms. Soniya Kuldeep, learned counsel for respondent No.1 to 3 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. The Insurance Company has taken a vague plea as to the false involvement of the vehicle and no clear cut plea was taken that the offending vehicle was not involved in the accident. On behalf of the Insurance Company, one Shyam Bihari Singh (NAW-2) has been examined. He has stated that the deceased while riding the motorcycle caused the accident and died. But in cross-examination, he has stated that he has not seen the accident. Moreover, his name is not mentioned as witness in the criminal case registered against the driver of the offending vehicle. As such, evidence of this witness cannot be relied upon as eyewitness to the accident. As such, it is not established that offending vehicle was falsely implanted to recover compensation amount.
6. The next witness examined on behalf of the Insurance Company is Mansa Ram Dhruw, ASI, (NAW-3). He has investigated the matter and



2026:CGHC:21179

recorded the statement of father of the deceased under Section 161 of the CrPC. However, statement of this witness is not relevant.

7. The Claims Tribunal, after appreciating the oral and documentary evidence, reached to the conclusion that the vehicle owned by Jai Kumar Singh (Non-Applicant No.2), driven by Francis Xaviour (Non-Applicant No.1) and insured by the appellant/Insurance Company was involved in the accident, which is correct finding of fact based on evidence available on record.
8. I do not find any merit in this Appeal, which deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Barve