



2025:CGHC:38781

(MAC No. 699 of 2022)



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 699 of 2022

1 - Branch Manager The Oriental Insurance Company Limited,
Branch Office, Ambedkar Chowk, Ambikapur, District : Surguja
(Ambikapur), Chhattisgarh

--- **Appellant(s)**

versus

1 - Dharam Kunwar Wd/o Late Sadhram, Aged About 55 Years
R/o Village Khaliba, Police Station Gandhinagar, Tahsil
Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

2 - Sukhram S/o Late Sadhram, Aged About 25 Years R/o
Village Khaliba, Police Station Gandhinagar, Tahsil Ambikapur,
District : Surguja (Ambikapur), Chhattisgarh

3 - Yogesh Jaiswal S/o Shri Kishun Jaiswal, Aged About 50
Years R/o House No. 412, Ring Road, Kenabandh, Bouripara,
Ambikapur, Police Station And Tahsil Ambikapur, District :
Surguja (Ambikapur), Chhattisgarh

4 - Adhari Ram S/o Baldev, Aged About 27 Years R/o
Shardapur, Police Station Chalgali, Tahsil Wadraf Nagar, District
: Balrampur, Chhattisgarh

--- **Respondent(s)**

For Appellant :- Mr. Raj Awasthi, Advocate

For Respondent :- Ms. Seema Mishra, Advocate on behalf
Nos.3 & 4 of Mr. Jitendra Shrivastava, Advocate

SB - Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board

05.08.2025

1. The appellant-insurance company has preferred this
appeal under Section 173 of the Motor Vehicles Act, 1988



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(for short “Act of 1988”) calling in question the legality, validity and correctness of impugned award dated 01.01.2022 (Annexure A/1) passed by learned III Additional Motor Accident Claims Tribunal, Surguja (Ambikapur), District Surguja, Chhattisgarh, by which the liability to pay the amount of compensation to the tune of Rs.3,90,000/- along with 7% interest rate from the date of claim application has been fastened upon the insurance company.

- 2.** Mr. Raj Awasthi, learned counsel for the appellant would submit that learned Claims Tribunal is absolutely unjustified in fastening the liability to pay the amount of compensation upon the insurance company despite the fact that the offending vehicle was in use without having valid and effective permit, as the accident took place on 23.09.2019, whereas the permit was issued on 16.10.2019. As such, on the date of accident, the offending vehicle was in use without having valid and effective permit and, therefore, the insurance company be exonerated from the liability to pay the amount of compensation.
- 3.** Learned counsel for respondent Nos.3 & 4 would support the impugned award.



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4. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the material available on records with utmost circumspection.
5. Though the insurance company has specifically taken the plea that on the date of accident the offending vehicle was in use without having valid and effective permit but no evidence has been led on behalf of the appellant-insurance company to establish the above plea. As such, the finding recorded by the Claims Tribunal that the offending vehicle had a valid and effective permit on the date of accident and there was no breach of terms and conditions of the insurance policy is a correct finding of facts based on the materials available on record and the same is neither perverse nor contrary to the record and the learned Claims Tribunal has rightly fastened the liability to pay the amount of compensation upon the insurance company. Therefore, I do not find any good ground to entertain the instant appeal.
6. Accordingly, this appeal deserves to be and is accordingly, **dismissed**, leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge