



2026:CGHC:21104

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 947 of 2020

1 - United India Insurance Company Limited By Divisional Manager , Station Road Paras Complex , Near Gurudwara , Police Station Mohannagar , Durg , Tehsil And District Durg Chhattisgarh. Through Authorized Signatory, Manager T.P. Hub United India Insurance Company Limited , T.P. Hub/ Divisional Office , Lic Building, Magharpara Chowk Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Appellant

versus

1 - Smt. Usha Bhatt Wd/o Late Birendra Kumar Bhatt Aged About 35 Years R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

2 - Vijay Bhatt S/o Late Birendra Kumar Bhatt Aged About 15 Years Through Their Mother Respondent No. 01 Namely Smt. Usha Bhatt, R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

3 - Jay Bhatt S/o Late Birendra Kumar Aged About 15 Years Through Their Mother Respondent No. 01 Namely Smt. Usha Bhatt, R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

4 - Kumari Chanchal D/o Late Birendra Kumar Bhatt Aged About 4 Years Through Their Mother Respondent No. 01 Namely Smt. Usha Bhatt, R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

5 - Basant Kummar Bhatt S/o Late Shankarlal Bhatt Aged About 59 Years R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

6 - Smt. Belubai W/o Basant Kumar Aged About 57 Years R/o Village Umradah, Post Belmand, Tehsil Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

7 - Hirendra Kumar Bhatt S/o Khemdhar Bhatt Aged About 31 Years R/o Village Demar Police Station Arjuni, Tehsil And District Dhamtari Chhattisgarh. (Driver), District : Dhamtari, Chhattisgarh

8 - Prakash Bhatt S/o Naresh Bhatt R/o Patelpara, Ward No. 07 Demar Police Station Arjuni, Tehsil And District Dhamtari Chhattisgarh . (Owner), District : Dhamtari, Chhattisgarh

... Respondent(s)

For Appellant : Mr. B.N. Nande, Advocate

For Respondents No. 1 to 6 : Ms. Santoshi Yadav on behalf of Mr. Utsav Mahiswar, Advocates

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

06.05.2026

1. The instant appeal under Section 173 of Motor Vehicle Act, 1988 has been preferred by the appellant/claimant challenging the impugned award dated 03/02/2020 passed by learned 1st Upper

Motor Accident Claims Tribunal, Balod in Claim Case No. 88/2019 whereby compensation of Rs. 15,82,000/- has been awarded in favour of respondents No. 1 to 6/claimants and the liability of payment of compensation has been fastened upon the appellant/Insurance Company.

- 2.** Learned counsel for the appellant/Insurance Company would make two-fold submission. Firstly, that negligence on the part of respondent No. 7 i.e. driver of the offending vehicle has not been established by the claimants and secondly, that the offending vehicle did not have permanent registration certificate at the time of accident, therefore, the impugned award is liable to be set aside.
- 3.** Learned counsel for respondents No. 1 to 6 would support the impugned award and submit that the instant appeal is liable to be dismissed.
- 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.** So far as the first contention of learned counsel for the appellant/Insurance Company with respect to negligence is concerned, learned Claims Tribunal, after appreciating the oral

and documentary evidence on record, has clearly recorded a finding that respondent No. 7 i.e. driver of the offending vehicle was negligent in driving the vehicle and as such, the finding recorded by the Claims Tribunal that accident occurred on account of rash and negligent driving of respondent No. 7, is a correct finding of fact based on evidence available on record which is neither perverse nor contrary to the record. Now, the second contention raised by learned counsel for the appellant/Insurance Company is that on the date of the accident, the offending vehicle did not have permanent registration certificate, however, no specific plea has been taken by the Insurance Company in this regard and neither any evidence has been led to prove and establish the said fact. I do not find any merit.

6. Accordingly, the instant appeal, being devoid of merits, is liable to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge