**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.A.(C) No. 1111 of 2026**

The Oriental Insurance Company Ltd. Divisional Officer, Rama Trade Centre, First Floor, Bilaspur (C.G.) Through Its Incharge, Legal Hub, Hub Office, 1st Floor, Lic Building, Magarpara Road, Bilaspur (C.G.)

(Insurance Co.)

**--- Appellant**

**Versus**

**1 -** Dhruv Kumar Choudhary S/o Late Ramdeo Choudhary Aged About 29 Years R/o Ward No. 6, Ravanbhatha Chowk, Post- Urla, Ps Urla, District- Raipur, C.G., Present Address- Juna Bilaspur, Ps City Kotwali, District- Bilaspur, (C.G.)

(Claimant)

**2 -** Ratiram Fekar R/o Mahavir Mandir Para, Patpaar, Bhatapara, District- Baloda Bazar-Bhatapara, C.G.

(Driver of Vehicle)

**3 -** Dev Charan Koshle S/o Budhram Koshle R/o Mahavir Mandir Para, Patpaar, Bhatapara, District- Baloda Bazar-Bhatapara, (C.G.)

(Owner Of Vehicle)

**--- Respondents**

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For Appellant : Shri R.N. Pusty and Shri Akash Shrivastava, Advocates.

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

**Order on Board**

**06/05/2026**

1. Heard on admission.

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 22.01.2026 passed by X Additional Motor Accident Claims Tribunal (for short "Tribunal"), District – Bilaspur (C.G.) in M.A.C.C. No. - 351/2019.

**3.** By the award impugned, against a claim of Rs.15,50,000/-, the learned Tribunal has awarded compensation of Rs.39,46,697/- along-with interest at the rate of 9% per annum from the date of claim application till its realization in favour of respondent No.1/claimant partly allowing the appeal on account of injuries sustained by him in an unfortunate accident that occurred on 04.02.2019 by rash and negligent driving of the offending vehicle Swaraj Mazda bearing registration No. CG-04-JB-6642 Driven by respondent No.1, Owned by respondent No.2 and insured with respondent No.3.

**4.** As per pleadings in the claim application filed under section 166 of the MV Act by the respondent No.1 / claimant in the said accident, the respondent No.1/claimaint sustained severe injuries. Thus above stated compensation was claimed.

**5.** The respondent No. 1 and 2 remain expartee.

**6.** The claim application was resisted by respondent No.3 / Insurance Company 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.

**7.** On the basis of above broad pleadings of the parties, the learned Tribunal framed five issues and decided the same in favour of the respondent/claimant.

**8.** Learned counsel for the appellant submits that the license which held by the driver of the offending vehicle was found to be fake on the basis of the investigation report. This has been dully exhibited and proved in the Claims Tribunal despite of that the liability was fastened upon the Insurance Company.

**9.** Heard the learned counsel for the appellant, considered rival submissions and also perused the record.

**10.** Perusal of the record would indicate that the issue No.2 with regard to violation of terms and condition of the insurance Policy has been framed. Though one witness on behalf of the Insurance Company was examined, it failed to examine the investigator who had conducted the investigation and submitted the report. Apart from this the R.T.O. has also not been examined. On the basis of evidence available on record, the learned Claims Tribunal in paragraph 29 and 30 gave the following finding :-

> “**29.**In the present case, upon appreciation of record, it is found that the Insurance Company has not discharged its burden to prove that the driver of the offending vehicle was not holding a valid and effective driving licence on the date of accident. The investigator report is not proved as the investigator has not been examined. Further, no official record from the Licensing Authority/RTO has been produced or proved to support the plea of the insurer. Thus, the Tribunal finds that the defence raised by the Insurance Company remains unestablished and unsupported by legally admissible evidence.
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> **30**.Accordingly, the objection raised by the Insurance Company on the ground that the driver had no valid and effective driving licence at the time of accident is held to be not proved. Resultantly, the said objection is rejected. Consequently, the Insurance Company is not entitled to be exonerated from its liability on this ground and shall remain liable to satisfy the award passed in favour of the claimants, in accordance with law. Therefore, in light of the foregoing discussion, issue no. 2 is answered in "No".

**11.** In the opinion of this Court, the finding so recorded by the learned Claims Tribunal is based on proper appreciation of evidence. The appellant could not prove the breach on the part of owner and driver for exoneration from payment of liability. Thus, appeal fails and dismissed at the admission stage.

**12.** Interim application, if any, shall also disposed of.

Sd/-

**(Sachin Singh Rajput)**
**Judge**

Ashish