2026:CGHC:18636

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

<u>MAC No. 1292 of 2019</u>

- The New India Insurance Company Limited By Divisional Manager The New India Insurance Company Limited, Kachahri Chowk, Jail Road, Raipur, District Raipur Chhattisgarh, Through Authorized Singnatory, Manager, Suit Legal Hub The New India Assurance (Insurance) Company Limited, Suit Legal Hub Office 2nd Floor, Rama Trade Center, Above Axis Bank, Opp. Rajiv Plaza, Old Bus Stand Road, Bilaspur, District Bilaspur, Chhattisgarh.

--- Appellant

versus

1. Smt. Manjusha Sahu Wd/o Late Ragghu Sahu Aged About 40 Years;
2. Ku. Revti Sahu D/o Late Ragghu, Aged About 17 Years;
3. Vishnu Sahu S/o Late Ragghu, Aged About 14 Years;
4. Ku. Tarini Sahu D/o Late Ragghu Sahu, Aged About 10 Years;

   Respondents No.2 to 4 are Minor Through Natural Guardian Mother Manjusha Sahu Respondent No. 1;

   All above are R/o Village Pahanda, Police Station Amleshwar, Tahsil Patan District Durg Chhattisgarh.
5. Lav Sharma S/o Abhimanyu Sharma R/o Through Sunil Kumar Gupta, Shivanand Nagar, Khamtarai Block 14, Sector 3, In Front Of Ajay Grocery Shop, Police Station Khamtarai, District Raipur

Chhattisgarh. (Driver Of Offending Vehicle Truck Bearing No. CG 04 ZC 5580).

6. Ranjeet Kumar Gupta R/o Block 14, Block No. 5, House No.1, Sector 3, Shivanand Nagar, Gudihari, Police Station Gudihari District Raipur Chhattisgarh. (Owner Of Offending Vehicle Truck Bearing No. CG 04 ZC 5580).

--- Respondents

For Appellant	:-	Mr. B.N. Nande, Advocate.
For Respondents	:-	None.

SB- Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

23.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the Insurance Company calling in question the legality, validity and correctness of the impugned award dated 28.02.2019 passed by the 4th Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh (for short "Claims Tribunal") in Claim Case No.665/2015, where by learned Claims Tribunal allowed the claimants' application and awarded compensation amount along with interest by fastening the liability upon the Insurance Company/appellant herein.

2. Mr. B.N. Nande, learned counsel for the appellant, would submit that the learned Claims Tribunal is absolutely unjustified in fastening the liability upon the Insurance Company to pay the compensation amount as the driver of the offending vehicle has the fake driving

license, therefore, the appeal of the Insurance Company deserves to be allowed and the Insurance Company be exonerated from the liability to pay the compensation amount to the claimants.

3. None for the respondents, though served.

4. I have heard learned counsel for the appellant, considered his submission made herein above and gone through the records precisely.

5. In the present case, owner of the offending vehicle Ranjeet Gupta (NAW-1) has appeared in the witness-box and submitted that he duly verified the license of the driver-Lav Sharma, and after due verification and after seeing his driving skills, he (owner) allowed to him (driver) to drive the vehicle.

6. The Supreme Court in the matter of **Nirmala Kothari v. United India Insurance Company Limited**[1] has observed as under:-

> "**12.** While hiring a driver the employer is expected to verify if the driver has a driving licence. If the driver produces a licence which on the face of it looks genuine, the employer is not expected to further investigate into the authenticity of the licence unless there is cause to believe otherwise. If the employer finds the driver to be competent to drive the vehicle and has satisfied himself that the driver has a driving licence there would be no breach of Section 149(2)(*a*)(*ii*) and the insurance company would be liable under the policy. It

1 (2020) 4 SCC 49

would be unreasonable to place such a high onus on the insured to make enquiries with RTOs all over the country to ascertain the veracity of the driving licence. However, if the insurance company is able to prove that the owner/insured was aware or had notice that the licence was fake or invalid and still permitted the person to drive, the insurance company would no longer continue to be liable.

13. On facts, in the instant case, the appellant complainant had employed the driver, Dharmendra Singh as driver after checking his driving licence. The driving licence was purported to have been issued by the licensing authority, Sheikh Sarai, Delhi, however, the same could not be verified as the officer concerned of the licensing authority deposed that the record of the licence was not available with them. It is not the contention of the respondent insurance company that the appellant complainant is guilty of wilful negligence while employing the driver. The driver had been driving competently and there was no reason for the appellant complainant to doubt the veracity of the driver's licence."

7. Similarly, the Supreme Court in the matter of **Rishi Pal Singh v. New India Assurance Co. Ltd. and others**[2] has held as under:-

"**11.** The owner of the vehicle is expected to verify the driving skills and not run to the licensing authority to verify the genuineness of the driving license before appointing a driver. Therefore, once the owner is satisfied that the driver is competent to drive the vehicle, it is not expected from the owner thereafter to verify the genuineness of the driving license issued to the driver."

2 2022 SCC OnLine SC 2119

2026:CGHC:18636

8. In the instant case also the Claims Tribunal has clearly recorded a finding that owner of the offending vehicle Ranjeet Gupta has verified the driving skills of the driver-Lav Sharma and after being satisfied with driver's skills he (owner) gave him (driver) the vehicle to drive. As such, in light of the principles of law laid down by the Supreme Court in the matters of **Nirmala Kothari** (supra) and **Rishi Pal Singh** (supra), I hereby affirm the findings of the Claims Tribunal. Consequently, the appeal is dismissed. No costs(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit