



**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1440 of 2018**

**Judgment Reserved on: 14.1.2026**

**Judgment Delivered on: 28.2.2026**

- Bajaj Allianz General Insurance Company Limited. Shiv Mohan Bhawan Pandri Raipur, Chhattisgarh, Through Legal Officer, Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhawan Vidhan Sabha Road Pandari Raipur, Chhattisgarh.....(Insurer), District : Raipur, Chhattisgarh

**... Appellant(s)**

**versus**

1. Smt. Sahodra Bai W/o Late Purshottam Verma Aged About 32 Years R/o Village- Gaitara, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.
2. Hemant Verma S/o Late Purshottam Verma Aged About 12 Years Minor They Are Through Natural Guadian Smt. Shaodra Bai, R/o Village- Gaitara, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.
3. Ku. Tikeshwari Verma D/o Late Purshottam Verma Aged About 10 Years Minor They Are Through Natural Guadian Smt. Shaodra Bai, R/o Village- Gaitara, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.
4. Smt. Kumari Bai W/o Late Kuleshwar Verma Aged About 55 Years R/o Village- Gaitara, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.



2026:CGHC:10572

5. Kundan Lal Dhiwar S/o Puran Lal Dhiwar Aged About 24 Years  
R/o Village Belsondra, Police Station And District- Mahasamund,  
Chhattisgarh.....(Driver), District : Mahasamund, Chhattisgarh.
6. Kamal Dev Chandrakar S/o Chhanulal Chandrakar Aged About 49  
Years R/o Village- Belsondra, Police Station And District-  
Mahasamund, Chhattisgarh.....(Owner), District : Mahasamund,  
Chhattisgarh

... Respondent(s)

---

|                   |                                  |
|-------------------|----------------------------------|
| For Appellant(s)  | : Mr. Ghanshyam Patel, Advocate. |
| For Respondent(s) | : None.                          |

---

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**C A V Judgment**

1. The present is Insurance Company's appeal assailing the award dated 20.2.2018 passed by the learned 2<sup>nd</sup> Additional Judge to the Court of I Additional Motor Accident Claims Tribunal, Raipur (C.G.) in MACT No. 254/16, whereby an amount of Rs. 12,04,000/- with interest @ 7.5% per annum has been awarded in the favour of the claimants/respondents No. 1 to 4 herein of the deceased for their irreparable loss.
2. Brief facts of the case, is that, an application under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act") was filed by respondent Nos. 1 to 4, being the wife, children, and mother of the deceased Purshottam, seeking compensation for his death. It was the case of the claimants that on 14.08.2015, the deceased Purshottam Verma was travelling from his village to



Raipur along with his friend on a motorcycle bearing registration No. CG-04-K-7579, and when they reached near Kholhan Nala, Daal Mill at Village Jarodha, the driver of a Maruti Van bearing registration No. CG-06-E-1416 drove the vehicle in a rash and negligent manner and hit the motorcycle from behind, causing a fatal accident in which the deceased sustained grievous injuries and died on the spot. It was further pleaded that the deceased was about 37 years of age and earning Rs. 12,000/- per month, and therefore the claimants sought compensation of Rs. 27,75,000/- under various heads. Respondent Nos. 1 and 2 filed a joint reply denying all allegations and contending that the accident occurred due to the negligence of the motorcycle driver and that no accident took place with the Maruti Van. The appellant–insurance company also filed its reply controverting the averments, stating that the FIR was lodged against an unknown vehicle and that the insured vehicle was seized after five months, alleging collusion between the claimants and the insured to falsely involve the vehicle for obtaining compensation, and further pleaded that the driver did not possess a valid driving licence and the vehicle lacked a valid permit and fitness certificate, in violation of policy conditions. The appellant also relied upon several criminal cases pending before JMFC, Raipur, including Criminal Case Nos. 2778/16 and 14486/16 and Crime Nos. 172/15, 971/16, and 181/16, to demonstrate the repeated involvement of the same driver, Kundan, in cases initially registered against



unknown vehicles and later linked to the insured vehicle, thereby indicating mala fide conduct, and marked Exhibits D-1 to D-4 in support. To substantiate its case, the appellant examined the Investigating Officer, Jaynath Singh, as NAW-1, who admitted that the FIR was initially lodged against an unknown vehicle and that the insured vehicle was seized only after the driver and owner appeared and confessed after several months. Despite these facts and the evidence on record raising serious doubts about the involvement of the insured vehicle, the learned Tribunal failed to properly appreciate the material and wrongly held the insured vehicle liable, thereby fastening liability upon the appellant.

3. Learned counsel for the appellant/insurance company submits that the impugned award passed by the learned Tribunal is bad in law and on facts, as the Tribunal committed grave illegality in holding that the insured vehicle bearing registration No. CG-06-E-1416 was involved in the accident, despite the fact that the FIR was initially lodged against an unknown vehicle and the insured vehicle was seized after a delay of about five months. It was contended that the conduct of the insured clearly establishes collusion with the claimant, showing that the vehicle was intentionally implicated to obtain compensation from the appellant. The Tribunal failed to appreciate that the owner of the vehicle was involved in several other criminal cases, including Criminal Case Nos. 2778/16 and 14486/16, as well as Crime Nos. 172/15, 971/16, and 181/16, where similar patterns of delayed FIRs and



subsequent seizure of the same vehicle were noticed, indicating a deliberate attempt to fabricate claims. It was further argued that the Tribunal did not properly consider the evidence of NAW-1 and erred in relying solely on the testimony of AW-3 as an alleged eyewitness, who was neither the author of the FIR nor disclosed the identity of the vehicle for nearly five months, rendering him an implanted witness. The findings on negligence and involvement of the vehicle were wrongly based merely on the FIR, as registration of an FIR does not ipso facto prove negligence in the absence of conviction. The learned counsel also challenged the assessment of notional income at Rs. 6,000/- per month with addition of 40% future prospects, contending that the deceased was not engaged in permanent employment. Lastly, the appellant sought liberty to raise additional grounds during the course of further proceedings.

4. None for the respondents.
5. I have heard learned counsel for the appellant and perused the material available on record.
6. Upon due consideration of the facts and circumstances of the case and the submissions advanced by the learned counsel for the appellant, it is evident that the learned Tribunal has rightly appreciated the oral and documentary evidence on record and has correctly held the involvement of the offending Maruti Van bearing registration No. CG-06-E-1416 in the accident. Merely because the FIR was initially lodged against an unknown vehicle



and the insured vehicle was seized after some delay, the well-reasoned findings of the Tribunal cannot be disbelieved, particularly when the testimony of the eyewitness (AW-3) and other supporting material establish rash and negligent driving on the part of the driver of the offending vehicle. The evidence of NAW-1 does not demolish the consistent version of the claimants, and no cogent material has been produced by the appellant to substantiate the plea of collusion or false implication. The criminal cases relied upon by the appellant do not, by themselves, disprove the present claim. The assessment of income and grant of future prospects are also in accordance with settled principles of law. In view of the foregoing, this Court finds no illegality, perversity, or infirmity in the impugned award passed by the learned Tribunal.

7. Accordingly, the appeal being devoid of merit is hereby **dismissed.**

**Sd/-**

**(Amitendra Kishore Prasad)  
Judge**

| The date when the judgment is reserved | The date when the judgment is pronounced | The date when the judgment is uploaded on the website |           |
|----------------------------------------|------------------------------------------|-------------------------------------------------------|-----------|
|                                        |                                          | Operative                                             | Full      |
| 14.1.2026                              | 28.2.2026                                | -                                                     | 28.2.2026 |