



2026:CGHC:18740

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MAC No. 1458 of 2019



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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MAC No. 1458 of 2019**

- Branch Manager Oriental Insurance Co. Ltd. Opposite Adarsh Jal Temple Main Road Dhamtari District Dhamtari Chhattisgarh. ( Insurance Co. ).

--- Appellant

**versus**

1. Smt. Parwati Tandan Wd/o Late Mahendra Tandan, Aged About 43 Years;
2. Manoj Tandan S/o Late Mahendra Tandan, Aged About 24 Years;
3. Rajesh Tandan S/o Late Mahendra Tandan, Aged About 22 Years;
4. Rajeshwar Tandan S/o Late Mahendra Tandan, Aged About 20 Years;  
All are R/o At Village Aarand Police Station Rajim District Gariyaband Present Address Telibandha Purena Chhota Line Dabari Para Near Shiv Temple Raipur District Raipur Chhattisgarh.(Claimants)
5. Doman Satnami S/o Punit Ram Satnami, Aged About 40 Years, R/o Village Sivani Police Station Kurud District Dhamtari Chhattisgarh. (Driver).
6. Dhanehswar Chandrakar S/o Tuganlal Chandrakar, Aged About 40 Years, R/o Village Dahdaha Police Station Kurud, District Dhamtari Chhattisgarh. (Owner).

--- Respondents



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For Appellant :- Mr. Pravin Kumar Tulsyan, Advocate  
For Respondent No.1 to 4 :- Ms. Laxmi Gupta, Advocate, appears on  
behalf of Mr. Kshitij Sharma, Advocate.

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**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 10.04.2019 passed by the Additional Motor Accident Claims Tribunal, Gariyaband, Chhattisgarh (for short "Claims Tribunal") in Claim Case No.32/2016, 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. Pravin Kumar Tulsyan, 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 did not have the valid and effective driving license as he did not have the driving license to drive the motorcycle with gear. In support of his submission, he relied upon the decision of the Supreme Court in the matters of **Oriental Insurance Co. v. Zaharulnisha and others**<sup>1</sup> &

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<sup>1</sup> AIR 2008 SC 2218



Pappu and Others v. Vinod Kumar Lamba and another<sup>2</sup>. Therefore, the appeal of the Insurance Company is liable to be allowed.

3. Ms. Laxmi Gupta, learned counsel for the respondents, would oppose the prayer made by learned counsel for the appellant and support the impugned award.

4. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records precisely.

5. A careful perusal of the records would show that the Insurance Company in the written statement has taken only a general and vague plea has been taken that driver did not have valid and effective driving license to drive the offending vehicle without specifying that he did not have the valid and effective driving license to drive the motorcycle with gear and had only license to drive light motor vehicle. However, the facts remains that no clinching evidence has been led by the Insurance Company in this regard. Only the argument has been raised without there being specific pleading and without there being any evidence led on behalf of the Insurance Company. In that view of the matter, I do not find any merit in the instant appeal, accordingly, the same is dismissed. No cost(s).

Sd/-  
(Sanjay K. Agrawal)  
Judge

Ankit

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<sup>2</sup> AIR 2018 SC 592