



2026:CGHC:14850

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1382 of 2022

1. Smt. Premlata Sahu W/o Kanhaiya Sahu aged about 45 years R/o Village Ward No.10, Navapara, Post - Navapara, Tahsil - Malkharoda, District Janjgir-Champa Chhattisgarh.
2. Kanhaiya Sahu S/o Late Lakhan Lal Sahu aged about 48 years R/o Village Ward No.10, Navapara, Post - Navapara, Tahsil - Malkharoda, District Janjgir-Champa Chhattisgarh.
3. Madhuri Sahu D/o Kanhaiya Lal Sahu Aged About 22 Years R/o Village Ward No.10, Navapara, Post - Navapara, Tahsil - Malkharoda, District Janjgir-Champa Chhattisgarh.

... Appellants/claimants

versus

Shri Ram General Insurance Co. Ltd. S-8 And S-9, 2nd Floor, CG Plaza, Agrasen Chowk, Beside Telephone Exchange, Bilaspur District - Bilaspur Chhattisgarh.

... Respondent

For appellants	:	Shri Devendra Kashyap Advocate on behalf of Shri Pushpendra Patel, Advocate
For Respondent	:	Ms. Mansi Bande Advocate on behalf of Shri Saurabh Sharma, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board dated 30/03/2026

This appeal arises out of the award dated 26.09.2022 passed by Additional Motor Accident Claims Tribunal (for short the "Tribunal") Janjgir Champa, District

Janjgir Champa (C.G.) in Claim Case No. 47/2021 dismissing the claim of the appellants/claimants.

2. Facts of the case in brief are that on 05.12.2019 deceased Dileshwsar Prasad with his colleague Ashok Kumar was going on his motorcycle bearing registration No. CG-11-AV-2721 to Dabhra and when he reached near the College turning, on account of some mechanical fault, the accident took place in which Dileshwar Prasad died. Deceased – a student at that time was aged about 20 years of age. His annual income as per the claim was 40,000/-.

3. With aforesaid facts, a claim petition was filed by the appellants/claimants praying for compensation of Rs. 15,00,000/- on various heads. Pleadings of the claimants have, however, been denied by the respondents.

4. After evaluating the evidence available on record, the Tribunal awarded Rs. 01,00,000/- to the appellant/claimants as compensation as a whole and it is this award which is under challenge in this appeal.

5. Counsel for the appellants submits that learned Tribunal has failed to see that the claimants have examined the witnesses to prove their case, but in an arbitrary manner the entire claim has been dismissed. Hence this appeal.

6. On the other hand, counsel for the respondent has supported the award impugned and submitted that the insurance policy did not cover the personal risk of the driver as no such premium was taken by the respondent for the same. He further submits that the accident took place with a tractor trolley but its owner has not been impleaded and for that also the claim has been rightly been dismissed. Even the deceased was not having the valid and effective driving licence, and being that the award impugned does not call for any interference in this appeal.

7. Heard counsel for the parties and perused the documents on record.

8. The record shows that the deceased was riding the motorcycle insured with the respondent, but as no premium was paid covering the personal risk of the rider

the claimants cannot be entitled to get compensation for his death. Even otherwise, the claimants have produced the driving licence, much less the effective and valid one, it can safely be presumed that there was no driving licence with the deceased. Being this, the finding recorded by the Tribunal while passing the award impugned being strictly in conformity with the legal provisions and the also the decision of the Supreme Court in the matter of **Ningamma & Anr vs United India Insurance Co.Ltd reported in 2009 (13) SCC 710**. No other ground has been raised by the counsel for the appellants which could prompt this Court to interfere with the award in question. In this view of the matter, this Court does not find any illegality in the award impugned and therefore, the appeal being without merit is liable to be and is hereby dismissed.

Sd/-
(Sachin Singh Rajput)
Judge

Jyotishi