



2026:CGHC:13705

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2084 of 2019**

IFFCO Tokio General Insurance Company Limited, 205, 2nd Floor, M.M. Silver Plaza, In Front Of Udhyog Bhawan, Near Mining Office, Ring Road No. 1, P.S. Telibanda Raipur, District Raipur, Chhattisgarh.

... Appellant**versus**

1 - Santosh Kumar, S/o. Shri Bhodan Verma, Aged About 44 Years, R/o. Village Rawan, P.S. - Rawan, District- Balodabazar, Chhattisgarh (Claimant)

2 - Pramila Bai, W/o. Shri Santosh Kumar Verma, Aged About 43 Years, R/o. Village Rawan, P.S. - Rawan, District- Balodabazar, Chhattisgarh. (Claimant)

3 - Kumari Anjali, D/o. Shri Santosh Kumar Verma, Aged About 17 Years, Minor Through Natural Guardian Father Santosh Kumar Verma. R/o. Village Rawan, P.S. - Rawan, District- Balodabazar, Chhattisgarh. (Claimant)



4 – Sanjay, S/o. Shri Santosh Kumar Verma, Aged About 15 Years, Minor Through Natural Guardian Father Santosh Kumar Verma. R/o. Village Rawan, P.S. - Rawan, District- Balodabazar, Chhattisgarh. (Claimant)

5 - Santram Verma, S/o. Heeradhar Verma, R/o. Village- Rawan, P.S.- Rawan, District- Balodabazar, Chhattisgarh. (Owner).

... Respondents

For Appellant	: Mr. P.R.Patankar, Advocate
For Respondents No.1 to 4	: Mr. Rakesh Thakur, Advocate
For Respondent No.5	: Mr. Amit Nayak, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

23.03.2026

1. The appellant/insurance company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 calling in question the legality, validity and correctness of the impugned award dated 13.09.2019 passed by the learned Fourth Additional Motor Accident Claims Tribunal, Raipur in Claim Case No. 796/2015, by which the claim application of the claimants has been allowed and liability has been fastened upon the insurance company to pay the amount of compensation.



2. Learned counsel for the appellant/insurance company would submit that driver Rohit Kumar Verma, who also died in the accident, did not have valid and effective driving licence to drive the offending vehicle, therefore, the insurance company is not liable to pay the compensation and the claimants who are the legal heirs of the pillion rider Pawan Kumar Verma were also not entitled for compensation.
3. Learned counsel appearing for the respondents would support the impugned award and submit the the appeal is liable to be dismissed.
4. Heard learned counsel appearing for the parties and gone through the records meticulously.
5. The appellant/insurance company has taken a plea that the driver of the offending vehicle, who was also died, did not have valid and effective driving licence to drive the vehicle. However, in order to prove the said fact, the insurance company has examined three witnesses. The first witness Manoj Kumar Patle (DW-1), who is Data Entry Operator in the office of District Transport Office, Balodabazar-Bhatapara, has only stated that on being searched Online Sarthi Programme, no licence was found in favour of Rohit Kumar Verma and accordingly Ex.D-1 was issued. Similarly, the second witness Ravel Singh Aadil (DW-2), Head Constable, who had investigated Crime No.79/15 for the offence under Sections



279, 337 & 304-A of I.P.C. has only stated that the driving licence of Rohit Kumar Verma was not seized. The third witness Navin Soni (DW-3) who is the Law Officer has also stated that on being enquiry, no licence in favour of Rohit Kumar Verma was found.

6. However, a careful perusal of the evidence of three witnesses would not lead to a conclusion that the insurance company has discharged its liability to prove that the deceased Rohit Kumar Vema who was driving the offending vehicle did not have a valid and effective driving licence to drive the vehicle. The insurance company ought to have taken more efforts to establish said fact to exonerate from its liability to pay the compensation. The insurance company has not taken effective steps to discharge its liability fully. In that view of the matter, I do not find any merit in this appeal, the same is liable to be and hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok