



CGHC010061862024

2026:CGHC:44408

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 469 of 2024

1 - Shriman Shakha Prabandhak, The New India Insurance (Correct Name Of Assurance) Co. Ltd, Ambedkar Chowk, Baloda Bazar, District - Baloda Bazar, Chhattisgarh.

... Appellant

versus

1 - Lekhram Kurre Son Of Uderam Kurre, Aged About 42 Years, Resident Of Village Sarkhor, Thana - Kasdol, District - Baloda Bazar - Bhatapara, Chhattisgarh. (Claimant No. 1).

2 - Mukesh Kumar Saha Son Of Kishun Saha, Aged About 22 Years, Resident Of Sabli, Thana - Baikunthpur, District - Gopalganj (Bihar), Present Resident Of Near Durga Mandir, Chota Ashok Nagar, Raipur, District - Raipur Chhattisgarh. (Driver Of Trailer No. Cg 04 Jc 1085) (Non-Applicant No. 1).

3 - Ashok Sen Son Of Kunwar Singh Sen Aged About 35 Years Resident Of Near Durga Mandir, Chota Ashok Nagar, Raipur, District - Raipur Chhattisgarh. (Owner Of Trailer No. Cg 04 Jc 1085) (Non-Applicant No. 2).

... Respondent(s)

For Appellant	: Ms. Swati Agrawal, counsel appears on behalf of Mr. Pankaj Agrawal, Advocate
For Respondent No. 1	: Mr. Praveen Kumar Dhurandhar, Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Judgment on Board

(14.10.2026)

- 1.** Heard on I.A. No. 03/2024, application for condonation of delay in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 7 days in filing the appeal is hereby condoned.
3. Also heard on admission.
4. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant/Insurance company challenging the impugned award dated 08.11.2023 passed in Motor Accident Claims Case No. 105/2022, whereby the learned Claims Tribunal has awarded a total sum of Rs.75,920/- in favour of the claimant and the liability of payment of compensation has been fastened upon the Appellant/Insurance Company.
5. Learned counsel appearing on behalf of the appellant submits that the learned Claims Tribunal has erred in fastening the liability to pay compensation upon the appellant. He further submits that Respondent No. 2, the driver of the offending vehicle, did not hold a valid and effective driving licence at the time of the accident. He, therefore, prays that the impugned award be modified to the extent that the liability to pay compensation be determined in accordance with law.
6. Learned counsel appearing for Respondent No. 1 supported the impugned award.
7. I have heard learned counsel for the appellant and went through the records with utmost circumspection.
8. In the present case, it is true that the learned Claims Tribunal, in paragraph 10 of the impugned award, recorded a finding that although the appellant/insurance company had alleged a breach of the policy conditions on the ground that the driver of

the offending vehicle did not hold a valid and effective driving licence at the time of the accident, no evidence was adduced by the appellant/insurance company to substantiate the said allegation, despite the burden of proving such breach resting upon it. Further, as per the final report submitted by the police and produced by the claimants, the driver was not prosecuted for driving the offending vehicle without a valid driving licence. In the absence of any cogent evidence to establish a breach of the policy conditions, this Court finds no illegality or infirmity in the finding recorded by the learned Claims Tribunal.

9. Accordingly, the appeal preferred by the Insurance Company, being devoid of merit, deserves to be dismissed and is hereby **dismissed** at the admission stage.
10. Records of the Tribunal along with a copy of this judgment be sent forthwith for compliance and necessary action, if any.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

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