

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal (C) No.748 of 2007**

The Oriental Insurance Company Limited, Malviya Nagar, Durg, Chhattisgarh through Divisional Manager, Divisional Office, Malviya Nagar, Durg, Chhattisgarh

---- Appellant**versus**

1. Pramila Bai, W/o Late Shiv Kumar Sen, aged about 35 years,
2. Ku. Kritika Bai, D/o Late Shiv Kumar Sen, aged about 15 years,
3. Dhanesh Kumar, S/o Late Shiv Kumar Sen, aged about 12 years,
4. Rakesh Kumar, S/o Late Shiv Kumar Sen, aged about 09 years,
5. Faikan Bai, W/o Late Payarelal Sen, aged about 60 years, Minor Res. No.2 to 4 through mother Pramila Bai, All R/o Village Arasnara, Tah. Patan, Durg, District Durg, Chhattisgarh
6. Krishna Kumar Verma, S/o Baliram Verma, aged about 30 years, R/o Village Bathena, P.S. Patan, Tah. Patan, District Durg, Chhattisgarh

---- Respondents

For Appellant	:	Shri Raj Awasthi, Advocate
For Respondents	:	None

Hon'ble Shri Deepak Gupta, Chief Justice**Judgment on Board****2.12.2016**

1. This appeal by the insurance company is directed against the award dated 17.1.2007 passed by the Fifth Additional Motor Accidents Claims Tribunal, Durg in Claim Case No.193 of 2006, whereby the claimants were held entitled to an amount of Rs.5,17,000/- and the insurance company/Appellant was held liable to pay the same.
2. The main ground raised is that since the deceased was travelling as a gratuitous passenger in a goods vehicle, the insurance company is not liable to pay the compensation. The case set up was that the deceased was travelling as a labourer and they also led evidence to this effect. The insurance company did not lead any evidence to prove its case that the deceased was travelling as a gratuitous passenger. There is sufficient material on record to show that the deceased was travelling as a labourer in the vehicle. This is a pure

finding of fact arrived at by the Claims Tribunal which is based on evidence on record.

3. Therefore, I find no merit in this appeal. It is dismissed accordingly.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE