NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1141 of 2017

Reliance General Insurance Company Limited Through Its Legal Officer, Reliance General Insurance Company Limited, 301 - 302, Corporate House, 169 R N T Marg, Opposite Jhabua Tower, Indore Madhya Pradesh.

---- Appellant

Versus

1. Rajni Rao Wd/o Late Bharat Rao, aaged about 21 years,
2. Ku. Nandani, D/o Late Bharat Rao, Aged About 1 Years

   Respondent No. 2 Being Minor Through Legal Representative Mother Rajni Rao,
3. Guduram, S/o Bagas Rao, Aged About 50 Years
4. Nirmala, W/o Gudurao, Aged About 45 Years

   All Respondents No. 1 to 4 R/o Village Darra, P. S. Tahsil Kasdol, District Balodabazar Bhatapara Chhattisgarh.
5. Mohammad Samsuddin Kansari, S/o Moh. Ahmad Ansari, Aged About 40 Years R/o Village Piska Turning, Bank Colony, Rituroad Ranchi, Jharkhand.
6. Arun Kumar, Ss/o Late Rameshwar Prasad Gupta, R/o Madhukam Road, Stree No. 8, Post Hedal, P. S. Sukhdev Nagar, S. T. R. P. School, Ranchi, Jharkhand 834001

   Present Address Arun Kumar S/o Late Rameshwar Prasad Gupta, Tatibandh Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/08/2017

1. Present is an appeal under Section 173 of the Motor Vehicle Act, 1988 filed by the Insurance Company.

2. The appeal is barred by 251 days and there is an application for condonation of delay also filed by the appellant. The reasons assigned in the said application and finding them to be satisfactory, the I.A. No.1 deserves to be and is accordingly allowed. The delay of 251 days in filing the appeal stands condoned.

3. Heard on admission. The appeal has been preferred assailing the order dated 29.08.2016, passed by the 3rd Additional Motor Accident Claims Tribunal, Balodabazar, District Balodabazar-Bhatapara (C.G.) in Claim Case No. 24/2015. By the said impugned award, the Tribunal in a proceeding under Section 166 of the Motor Vehicle Act have awarded compensation of Rs.14,03,500/- with an interest @ 7.5% per annum from the date of application.

4. The sole ground which has been raised by the appellant in assailing the impugned award is that the policy which has been produced by the claimants as well as by the owner and driver shows the coverage of the vehicle at the time of the accident is a fake one.

5. However, on going through the record, it appears that the Insurance Company has not led any evidence to establish this aspect. In absence of any evidence on the part of the Insurance Company to prove that the license is a fake license, this Court does not find any strong case made out in the appeal to interfere with the impugned order.

6. Thus, the appeal fails, the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved