

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1521 of 2009

Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhavan, Vidhan Sabha Road, Pandri, Raipur, Chhattisgarh

---- Appellant

Versus

1. Smt. Pramila Bai, Wd/o. Late Chandulal, Aged about 24 years,
2. Ku. Sanjana Bai, D/o. Late Chandulal, Aged about 03 years,
3. Ku. Hira Bai, D/o. Late Chandulal, Aged about 2 months.

Respondent No. 2 and 3 are minors, represented through: natural guardian mother respondent no.1 Pramila Bai.

4. Narayan Sahu, S/o. Bhudharu Sahu, Aged about 52 years,
5. Smt. Khemin Bai, W/o. Narayan Sahu, Aged about 50 years,
All R/o. Village Bundeli, Police Station Dhamdha, Tahsil Saja, District Durg Chhattisgarh
6. Anshul Garg, S/o. Santosh Garg, R/o. Village Lalpur, Police Station Dhamdha, District Durg, Chhattisgarh

---Respondents

For Appellant	:	Mr. S.S. Rajput, Advocate
For respective Respondents	:	Mr. Rajnish Singh Baghel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/11/2017

1. The challenge in the present appeal is to the award passed by the Commissioner for Workmen's' Compensation, Labour Court, Durg, Chhattisgarh, in Case No. 50/W.C.Act Fatal/2008, dated 05.10.2009.
2. Vide the impugned award, the learned Commissioner has in a death case awarded a compensation of Rs.2,81,983/-. The main ground of challenge in the instant case by the Insurance Company is the fact that the Driver of the offending vehicle at the relevant point of time did not have proper endorsement on his license to drive the transport vehicle.

3. The admitted factual matrix of the case is that the vehicle involved in the instant case is a Minidor bearing registration No. CG-07-C-3678 and the date of accident being 26.11.2007.
4. The contention raised by the appellant in the instant case is no longer ***res integra*** as the issue stands fully covered by the recent decision of the Larger Bench's of the Hon'ble Supreme Court in the case of ***"Mukund Dewangan vs. Oriental Insurance Company Limited" AIR 2017 S.C. 3668.***
5. In the light of the aforesaid decision of the Hon'ble Supreme Court this Court is of the opinion that the instant appeal by the Insurance Company does not have any force and the same accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved