

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 984 of 2012**

1. National Insurance Company Ltd. Branch Manager the Nation Insurance Company Ltd. 13 Meenu Complex Main Road Kasabadi, P.S & P.O. & Dist. Korba Pin 495677 C.G. through authorised signatory National Insurance Company Limited, Divisional Office: B-1 Taha Complex, Ring Road II, Priyadarshani Nagar, P.S, Tehsil & District Bilaspur, CG, PIN 495001

---- Appellant**Versus**

1. Amrud Alias Amrit Lal Rathiya S/o Dhan Singh Rathiya, aged about 32 years, Occupation Cycle Mechanic, R/o Village Urba P.S. & P.O. & Tahsil Tamnar, Dist. Raigarh C.G. 496107
2. R. K. Transport & Constructions Private Limited, Korba through Manager Mukund Singh S/o Devendra Chandra Singh, aged about 40 years, Occupation Manager relating to Vehicle Driving Dougamouha Mines, R/o Village Dougamouha P.O. & P.S. & Tah. Tamnar, Dist. Raigarh C.G. 496107
3. Raj Kumar Saket S/o Yagya Lal Saket, aged about 26 years, Occupation Driver, R/o Village Parasbar P.S. Bahri Dist. Seedhi (M.P.), presently residing at Dougamouha P.O. & P.S. & Tah. Tamnar, Dist. Raigarh C.G. 496107

---- Respondents

For Appellant : Shri B. N. Nande, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/07/2017**

Present is an appeal under Section 173 of the Motor Vehicles Act preferred by the Insurance Company. The challenge in the present appeal is to the award dated 18.07.2012 passed by the 1st Additional Motor Accident Claims Tribunal, Raigarh in Claim Case No.23/11 arising out of the injury sustained by the respondent no.1 claimant in an accident that took place on 26.06.2008.

2. The Claims Tribunal considering the facts, evidences and pleadings vide impugned award dated 18.07.2012 granted total compensation of Rs.44,300/- to the claimant with interest @ 6% from the date of award. It is this award which is under challenge.

3. Though the appellant Insurance Company has raised the question of liability in the present appeal as the driver of the offending vehicle at the relevant point of time was having a fake licence and also alleged of there being contributory negligence on the part of the injured claimant, from the record it reflects that the Insurance Company has not led any evidence in this regard except for moving an application calling for the Officer of the RTO, Madhya Pradesh which was rejected. In addition, certain documents were also produced but without any evidence being led to prove those documents.

4. In the factual matrix of the case, this Court is not inclined to entertain the appeal. Moreover, the amount of compensation awarded is also too meager an amount for entertaining the appeal on the merits at this stage after more than five years.

5. The appeal thus being devoid of merits stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE