NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No.1537 of 2017

Pal Singh S/o Late Malkhan Singh, Aged About 55 Years Caste Jat, R/o Village Jamshedpur, Tata Line, 74 Gol Mori, District Jamshedpur (Jharkhand).

---Appellant

Versus

1. Karma Ram Tirkey S/o Late Soma Ram Tirkey, Aged About 48 Years Occupation Service.
2. Smt. Merriam Tirkey W/o Karma Tirkey, Aged About 45 Years.
3. Minor Ku. Renuka Tirkey D/o Karma Tirkey, Aged About 16 Years Minor Represented Through Legal Guardian And Father Karma Ram Tirkey.

   All are R/o Village Kukurbhuka, Tahsil Patthalgaon, District Jashpur, Chhattisgarh.

   At Present R/o C/o Virendra Bhagat, Police Constable, Shanti Nagar College Road, Jashpur, Tahsil & District Jashpur, Chhattisgarh.
4. The New India Insurance Company Limited, Local Office Judev Complex, Gamhariya Road, Jashpur, District Jashpur, Chhattisgarh.
5. Makhanlal Bhagat S/o Puse Ram Bhagat, Aged About 57 Years R/o Village Kukurbhuka, Tahsil Pathalgaon District Jashpur, Chhattisgarh.
6. Hemant Tirkey S/o Illiyajar Tirkey, Aged About 28 Years R/o Village Kukurbhuka, Tahsil Pathalgaon District Jashpur, Chhattisgarh.

---Respondents

For appellant : Shri J.K.Saxena, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/11/2017

1. Present is an owner's appeal under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 30/01/2017 passed by the learned Motor Accident Claims Tribunal, Jashpur (C.G.) in Motor Accident Claim Case No.23/2015.

2. Vide the said impugned award, the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded the compensation of Rs.6,24,400/- with interest @ 9% per annum.

3. While passing the said impugned award, the Tribunal reached to the conclusion, that the policy produced during the course of the trial was a fake policy and that the vehicle at the relevant point of time was not insured and therefore exonerating the Insurance Company the Tribunal have ordered for the compensation to be paid entirely by the present appellant/owner.

4. The counsel for the appellant submits, that the Tribunal has not properly appreciated the evidence which have come on record particularly in respect of the policy which was produced and that the finding arrived is also perverse.

5. Perusal of record show, that the Insurance Company has examined its witness namely Ajit Joseph Tigga who has specifically stated, that no such policy has been issued from the said Insurance Company and that the alleged policy which has been produce is a fake policy.

6. There is no sufficient material brought on record to disbelieve the evidence of the Insurance Company or to show, that the statement of the witness of the Insurance Company was not proper.

7. Another aspect which goes against the present appellant is that, the present appellant himself has not entered appearance before the Tribunal to lead any evidence to establish his contention so far as the vehicle being duly insured and providing the necessary details so far as issuance of the vehicle is concerned.

8. In the absence of any such evidence, this court does not find any strong case made out by the appellant calling for an interference with the impugned award.

9. The appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Sumit