**NAFR**

**HIGH COURT of CHHATTISGARH, BILASPUR**

**MAC No. 1555 of 2016**

Branch Manager, Shriram General Insurance Company Limited Krishna Shopping Mall, 4th Floor, Chaitanya Nagar, Dhimrapur Road, Raigarh, Chhattisgarh ..............(Insurer Of Bus No. B.R.14-P-2654).

**---- Appellant**

**Versus**

1. Smt. Sukanti Bai W/o Late Mangaldas Banjare, Aged About 50 Years R/o Village- Dhanagar, Post Dhanagar, Thana Kotra Road, District Raigarh, Chhattisgarh.
2. Sudama Banjare S/o Late Mangaldas Banjare, Aged About 22 Years R/o Village Dhanagar, Post Dhanagar, Thana- Kotra Road, District Raigarh, Chhattisgarh ..............(Claimants).
3. Prabha Kumar Singh @ Lalan S/o Raghav, Aged About 45 Years Occupation- Vehicle Owner, R/o Chhatamuda Naka, Kabir Chowk, Kalindi Kunj, Raigarh, Tahsil And District Raigarh, Chhattisgarh ...............(Owner Of Bus No. B.R.14-P-2654).
4. Yadunath Sahu S/o Chhotulal Sahu, Aged About 37 Years Occupation- Vehicle Driver, R/o Lodhajhar, Bhupdevpur, Tahsil And District- Raigarh, Chhattisgarh ...............(Driver Of Bus No. B.R.14-P-2654).

**---- Respondents**

For Appellant : Shri SS Rajput, Advocate.

**SB: Hon'ble Shri Justice P. Sam Koshy**

**Judgment On Board**

**25.09.2017.**

1. The present is an appeal under Section 173 of the Motor Vehicles Act against the award dated 08.04.2016 passed by the 1st Additional Motor Accident Claims Tribunal, Raigarh, in Claim Case No.121/2011. Vide the said impugned award, the Tribunal has awarded compensation of Rs.5,71,000/- along with interest @ 6 percent per annum from the date of application.
2. The present is an appeal by the insurance company on the ground that the driver of the offending vehicle at the time of accident did not have a valid licence. In addition, the insurance company has also

questioned the fact that the vehicle also at the time of accident did not have proper permit. The counsel for the insurance company has further made a submission that the insurance company has not been granted sufficient opportunity to lead evidence in respect of their contentions.

3. However, records shows that the matter was fixed on couple of occasions for non-applicant's to lead evidence, but the insurance company has not been able to adduce any evidence. True, that the company has moved an application in this regard, which the Tribunal has rejected.
4. Considering the fact that it was a claim case which was filed in the year, 2010 and time was granted to the insurance company on couple of occasions to lead evidence, but the insurance company has not been able to use those opportunities, in the opinion of this court the findings of Tribunal cannot be said to be erroneous.
5. Accordingly, the appeal being devoid of merits fails and is dismissed.

Sd/-
(P. Sam Koshy)
**Judge**

inder