

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 622 OF 2009

ICICI Lombard General Insurance Company Limited, registered office:
ICICI Bank Towers, Bandra-Kurla, Complex, Mumbai 400051, through its
Legal Manager, ICICI Lombard General Insurance Company Limited, Lal
Ganga Shopping Mall, 3rd Floor, G.E. Road, Raipur (C.G.)

... Appellant

versus

1. Shrawan Kumar, S/o Mansh Lal Thakur, R/o Janghora, P.S. Pithaura, District Mahasamund (C.G.)
 2. Paramjeet Ajmani, S/o Sewa Singh Ajmani, aged about 43 years, R/o Village Pithaura, P.S. Pithaura, Tahsil and District Mahasamund (C.G.)
 3. Kans Ram Yadav, S/o Shri Jagdev Yadav, aged about 45 years
 4. Smt. Ghuru Bai, W/o Shri Kans Ram Yadav, aged about 40 years
 5. Dhileshwar Yadav, S/o Shri Kans Ram Yadav, aged about 18 years
 6. Deepak Yadav, S/o Kans Ram Yadav, aged about 15 years
- Respondent No.6 minor, represented through father Kans Ram Yadav

Respondent No. 3 to 5 R/o Ward No.14, Pithaura, P.S. Pithaura, Tahsil and District Mahasamund (C.G.)

... Respondents

For Appellant : Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/11/2017

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, preferred by the appellant-insurance company, assailing the award dated 9.1.2009 passed by the Chief Motor Accident Claims Tribunal, Mahasamund, in Claim Case No. 85/2008.
2. Vide the impugned award, the learned Tribunal, in a death case, under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.2,42,000/- to the claimants, with interest thereon at the rate of 6% per annum from the date of filing of the claim case.
3. The present is an appeal by the insurance company assailing the award on the ground that the driver at the relevant point of time did not have a proper endorsement in its driving licence.

4. This Court is of the opinion that the issue involved in the instant case is squarely covered by a recent Larger Bench decision of the Hon'ble Supreme Court in the case of **Mukund Dewangan v. Oriental Insurance Company Limited, AIR 2017 SC 3668**.

5. Accordingly, in the light of the decision of the Hon'ble Supreme Court in **Mukund Dewangan** (supra), the present appeal stands dismissed.

Sd/-
(P. Sam Koshy)
Judge