

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 120 of 2009**

National Insurance Company Limited, Divisional Office, Akash Ganga Complex, Supela, Bhilai, Tahsil and District Durg, Chhattisgarh

Through its Divisional Manager, National Insurance Company Limited, Taha Complex, Vyapar Vihar Road, Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. Smt. Anita Singh, Wd/o. Late Dinesh Kumar Singh, Age 43 years,
2. Atul Chandel, S/o. Late Dinesh Kumar Singh, Age 15 years (Un-Adult).
3. Ku. Surbhi Chandel, D/o. Late Dinesh Kumar Singh, Age 12 years (Un-Adult)

Respondent No. 2 & 3 are Minors, through guardian mother Smt. Anita Singh W/o. Late Dinesh Kumar Singh,

All R/o. Vishnu Nagar, Kududand, Bilaspur, District Bilaspur, Chhattisgarh

4. Paltan Singh, S/o. Chatur Singh Thakur, Age 65 years, R/o. Sarkanda, P.S. Sarkanda, District Bilaspur, Chhattisgarh.
5. Basant Patre, S/o. Shri Udhoram Patre, Age 40 years, R/o. Rohrakala, P.S. Pathariya, Tahsil Mungeli, District Bilaspur, Chhattisgarh

----Respondents

For Appellant : Mr. Qamrul Aziz, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/10/2017**

1. The present is an appeal by the Insurance Company under Section 173 of Motor Vehicles Act. Challenge is to the award dated 24.09.2008, passed by the 1st Additional Motor Accident Claims Tribunal, Bilaspur, in Claim Case No. 224/2007.
2. Vide the said impugned award, the Tribunal in a claim case under Section 166 of the Motor Vehicles Act has awarded a compensation

of Rs.10,33,716/- with interest @ 6% per annum from the date of application.

3. The solitary ground which has been raised by the Insurance Company is the non-consideration of the contributory negligence, which had led to the accident.
4. However, perusal of record would show that the Insurance Company has not led any substantive evidence to establish this ground with which the contributory negligence could have been attributed upon the deceased persons.
5. In the absence of any substantive evidence to support the contention raised by the appellant, this Court does not find any strong case for interfering with the award. The appeal thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge