

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 1136 OF 2017

The Oriental Insurance Co. Ltd., Divisional Office, Kutchery Chowk, Jail Road, Raipur, District Raipur, represented through the officer-in-charge, the Oriental Insurance Co. Ltd., Divisional Office, Rama Trade Centre, 1st Floor, Opp. Rajiv Plaza, Bilaspur (C.G.) PIN 495001.

... Appellant

Versus

1. Mohd. Akhtar, S/o Mohd. Sarvar Khan, aged about 54 years, R/o Durga Chowk, Santoshi Nagar, P.S. Tikrapara, Raipur (C.G.)
2. Soncharan Sahu, S/o Bhulauram Sahu, aged about 36 years, R/o Village Salhebhatta, P.S. Bagbahra, District Mahasamund (C.G.)
3. Rajkumar Agrawal, R/o Komakhan, P.S. Komakhan, Tahsil and District Mahasamund (C.G.)

... Respondents

For Appellant : Mr. R.N. Pusty, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/08/2017

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, filed by the Appellant-Insurance Company, assailing the award dated 28.4.2017 passed by the First Additional Motor Accident Claims Tribunal, Raipur, in Motor Accident Claim Case No. 347 of 2011.
2. Challenge by the Insurance Company is on the liability aspect. The contention of the Insurance Company is that the driver of the offending vehicle was not having a valid driving licence as the vehicle involved in the accident was a goods carrying commercial vehicle and the licence which the driver had at the time of accident was only that of a light motor vehicle.
3. The issue involved in the present appeal is no longer *res integra* as it has been by now well settled by the Hon'ble Supreme Court in its Larger Bench decision rendered in the case of **Mukund Dewangan v. Oriental Insurance Company Limited**¹, wherein the Larger Bench has approved of its earlier decision in the case of **Kulwant Singh & Ors. v. Oriental Insurance Company Limited**².

¹ Civil Appeal No. 5826 of 2011, decided on 3.7.2017.

² 2015 (2) SCC 186

4. In view of the same, this Court does not find any merit in the appeal of the Insurance Company worth admitting and the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/