

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 864 OF 2010

M/s Sanjay Agrawal, through Prop. Sanjay Agrawal, age 49 years, S/o Ramavtaar Agrawal, 9-B, South Avenue, Chaubey Colony, Raipur

... Appellant

versus

1. Officer-in-charge, Bajaj Allianz General Insurance Co. Ltd., Shiv Mohan Bhavan, Pandari, Raipur.
2. Keshav Prasad, R/o Bhavan, District Mandla (M.P.)
3. Nepal Ram, S/o Dinesh Ram, age 34 years, R/o Hanuman Nagar Bokaro, P.S. Bokaro, Sector-12, District Bokaro (Jharkhand)
4. Bhagwat Prasad Markandeya, S/o Hari Singh Markandeya, age 39 years, R/o Maath, PO & PS Kharora, District Raipur (C.G.)
5. Hires Kumar Agrawal, S/o Laxminarayan Agrawal, R/o Amsena, Tahsil Aarang, District Raipur (C.G.)
6. Smt. Ful Bai, 41 years, Wd/o Ganeshram
7. Gulab, 21 years
8. Udal, 19 years
9. Mithilesh Kumar, 4 years 7 months
7 to 9 child of Late Ganeshram
10. Baliram, S/o Niranjana, age 69 years
11. Khedia Bai, W/o Baliram, age 64 years
No. 9 through Guardian Mother Resp. 6
6 to 11 R/o Vill. Maadh, PO Kharora, District Raipur (C.G.)

... Respondents

For Appellant	:	Mr. A.L. Singroul, Advocate.
For Respondent No.1	:	Mr. S.S. Rajput, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2017

1. The present is an owner's appeal under Section 173 of the Motor Vehicles Act, 1988, assailing the award dated 5.12.2009 passed by the 10th Additional Motor Accident Claims Tribunal, Raipur, in Claim Case No. 151/2009.
2. Vide the impugned award, the learned Tribunal, in a death case, under Section 163-A of the Motor Vehicles Act, has awarded a compensation of Rs.3,77,000/- to the claimants with interest thereon at the rate of 6% per annum from 30.11.2006. While passing the award, the

learned Tribunal has exonerated the insurance company of its liability as the licence of the driver of the vehicle was found to be fake and fastened the liability for payment of compensation upon the present appellant.

3. Learned counsel for the appellant tries to emphasize on the fact that the driver of the vehicle at the relevant point of time had a valid licence and the learned Tribunal has not properly appreciated this fact.

4. However, perusal of paragraph 16 of the award where the learned Tribunal while deciding the issue no. 6 and 7 has elaborately discussed the said issues and has dealt with the evidence which have come on record, establishing the fact that the licence which was produced during the course of trial was a fake licence and it was a case where the driver did not have any licence at all at the time of accident. This Court does not find any irregularity or error in law committed by the learned Tribunal while reaching to the said conclusion.

5. This Court thus does not find any strong case to be made out by the appellant calling for an interference with the impugned award passed by the learned Tribunal.

6. The appeal thus being bereft of merits deserves to be and is accordingly dismissed.

7. Any interim order passed by this Court during the pendency of the present appeal stands merged with the present final order and it is ordered that the appellant shall forthwith comply with the directions given by the learned Tribunal.

Sd/-
(P. Sam Koshy)
Judge