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HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 925 OF 2017

Branch Manager, United India Insurance Co. Ltd., Branch Office, Main Road, Korba, District Korba (C.G.)

… Appellant

Versus

1. Priyanka Chandra, Wd/o Late Parmeshwar Chandra, aged about 24 years.
2. Bhavesh Chandra, S/o Late Parmeshwar Chandra, aged about 5 years, minor, through natural guardian mother Priyanka Chandra.
3. Ku. Shakshi, D/o Late Parmeshwar Chandra, aged about 1 ½ years, minor, through natural guardian mother Priyanka Chandra.
4. Sahniram, S/o Sukhruram, aged about 67 years.
5. Noni Gautin, W/o Sahniram, aged about 65 years, R/o Lakhani, Tahsil Bamhnidih, Police Station, Saragaon, District Janjgir-Champa (C.G.)

… Respondents

For Appellant : Mr. Raj Awasthi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/07/2017

1. The matter is today listed for orders on defaults.

2. Learned Counsel for the Appellant submits that the first default has been cured by him and so far as the second default is concerned, he would not press or reply upon those documents in the course of argument. Thus, the second default stands ignored.

3. Heard on admission.

4. Challenge in the present appeal is to the award dated 24.3.2017 passed by the First Additional Motor Accidents Claim Tribunal, Sakti, District Janjgir-Champa, in Claim Case No. 61 of 2016.

5. Vide the impugned award, the Tribunal below has fastened the liability upon the Appellant-Insurance Company to the extent of Rs. 1,00,000/- as it was a case of death of owner himself in the accident.

6. According to the learned Counsel for the Appellant, though the coverage as per the policy was comprehensive but the premium was paid only for personal accident, and under personal accident coverage, the liability which would incur upon the owner would be to the maximum of Rs. 1,00,000/- which the Tribunal has awarded.

7. The present appeal has been preferred primarily assailing the fact that the driver of the vehicle, i.e., the owner himself, at the relevant of point did not have a valid driving licence.

8. However, the perusal of the record would show that the Insurance Company in respect of its defence has not adduced any evidence to show that the deceased at the relevant point of time was not having a driving licence. The fact that the claimants could not produce the copy of driving licence or provide the driving licence to the police authorities or to the Insurance Company by itself cannot be inferred to be a ground of holding that the deceased was not having a driving licence. Moreover, taking into consideration the amount which has been awarded by the Tribunal, this Court does not find it to be a strong case to be interfered with.

9. The appeal thus being devoid of merits the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

/shard/