

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1416 of 2017**

State Of Chhattisgarh Through The Mining Officer, Office Of The Collector, Korba Vaste Director, Geology And Mining Department, Chhattisgarh Government Raipur, Chhattisgarh

---- Appellant**Versus**

1. Smt. Raj Kumari Koram Wd/o Late Raj Kumar Koram, Aged About 32 Years
2. Aashutosh Korram S/o Late Raj Kumar Koram, Aged About 12 Years
3. Sejal Koram D/o Late Raj Kumar Koram, Aged About 16 Years
Respondents No. 2 & 3 are Minor Represented Through Natural Mother Raj Kumari Koram Wd/o Late Raj Kumar Koram,
4. Lagan Singh S/o Late Pancham Koram, Aged About 60 Years
5. Smt. Parwati Koram W/o Shri Lagan Singh, Aged About 56 Years
All by caste Gond, R/o Village Goknai, Tahsil Pali, P.S. Pali, District Korba, Chhattisgarh
6. Hardeep Singh Pulast S/o Shri Dular Singh, Present R/o N.H.15, New Rajaswa Colony, Rampur, P.S. Rampur Tahsil And District Korba, Chhattisgarh

----Respondents

For Appellant/State : Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/10/2017**

1. Heard on I.A. No.1, which is an application for condonation of delay.
For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 107 days in filing the appeal stands condoned.
2. The present is an appeal under Section 173 of the Motor Vehicles Act. The challenge in the present appeal is to the award dated 29.03.2017, passed by the Additional Motor Accident Claims Tribunal, Korba, Chhattisgarh, in Motor Accident Claim Case No.

116/2015.

3. Vide the impugned award the Tribunal in a death case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.6,60,000/- to the claimants with interest @9% per annum from the date of application.
4. The challenge in the present case is primarily on the ground that the accident appears to have been caused because of the negligence on the part of the deceased. It was also the contention of the State counsel that Non-applicant No.1 the driver of the offending vehicle i.e. TATA Sumo has not adduced any evidence to show that he had a valid driving license at the time of accident. It was also the case of the appellant, that even there was no evidence to the fact that the deceased at the time of the accident had a valid license and thus prayed for setting aside of the impugned award.
5. A perusal of the record would show that the appellant i.e. on behalf of the State counsel no evidence has been led before the Tribunal to substantiate their contentions. The only evidence, which has been brought on record from the non-applicant side is the evidence of the driver of the TATA Sumo i.e. the offending vehicle i.e. the respondent No.1, who in his deposition has admitted the accident and the resultant death of two persons. It is further reflected that the driver of the offending vehicle i.e. the respondent No.1 was prosecuted in a case by the police authorities vide Crime No. 161/2015 for the offence under Section 304-A of I.P.C. which has also been admitted by the Driver.

6. In view of the aforesaid factual matrix of the case, since there is no sufficient material drawn by the State to prove its contention, so far as the grounds which they have raised, this Court is of the opinion, no strong case has been made out worth admitting the appeal. Accordingly, the appeal, being devoid of merit, deserves to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
Judge

Ved