

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 88 of 2017**

- Reliance General Insurance Company Limited Through Office In Charge, Reliance General Insurance Company National Corporate Park, Raipur (In Front Of Dhuppad Petrol Pump) P.S. Azad Chawk, Civil & Revenue District Raipur, Chhattisgarh(As Per Claimants Insurer Of Vehicle Tractor No. C.G.04-D A-1596 And Trolley No. C.G.04-D A-1597)

---- Appellant**Versus**

1. Pingla Bai Wd/o Late Ramnarayan Sahu, Aged About 33 Years R/o Kagdehi, P.O. Samoda, Thana Arang, District Raipur, Chhattisgarh
2. Ku. Kusumlata D/o Late Ramnarayan Sahu, Aged About 15 Years Minor And Representing Through Mother Pingla Bai Sahu, R/o Kagdehi, P.O. Samoda, Thana Arang, District Raipur, Chhattisgarh
3. Sanat Kumar S/o Late Ramnarayan Sahu, Aged About 13 Years Minor And Representing Through Mother Pingla Bai Sahu, R/o Kagdehi, P.O. Samoda, Thana Arang, District Raipur, Chhattisgarh
4. Pankaj S/o Late Ramnarayan Sahu, Aged About 11 Years Minor And Representing Through Mother Pingla Bai Sahu, R/o Kagdehi, P.O. Samoda, Thana Arang, District Raipur, Chhattisgarh
5. Biram Bai Wd/o Kejauram Sahu, Aged About 60 Years R/o Kagdehi, P.O. Samoda, Thana Arang, District Raipur, Chhattisgarh (Claimants)
6. Tejuram S/o Ganeshram Jangde, R/o Lanja, Thana Kharora, P.O. Bhaisa, District Raipur, Chhattisgarh(Driver Of Vehicle Tractor No. C.G.04-D A-1596 And Trolley No. C.G.04-D A-1597)
7. Ganeshram S/o Prabhuram Jangde, R/o Lanja, Thana Kharora, P.O. Bhaisa, District Raipur, Chhattisgarh(Owner Of Vehicle Tractor No. C.G.04-D A-1596 And Trolley No. C.G.04-D A-1597)

---- Respondents

For Appellant : Shri Shokie Yadav, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board

18/01/2017

1. The present appeal has been filed by the Insurance Company

challenging the order dated 19.10.2016 passed in Motor Accident Claim Case 453/2014 by the 7th Additional Motor Accident Claims Tribunal, Raipur, District Raipur. By the said impugned order, the Tribunal below on an application under Section 166 of the Motor Vehicles Act filed on behalf of respondents 1 to 5 has allowed the same, ordering for payment of Rs.6,19,872/- as compensation to the claimants/ respondents 1 to 5. The payment of compensation has been jointly and severally fastened upon the owner of the Insurance Company.

2. The Insurance Company assailing the said order submits that the sole ground of challenge of the impugned order is the fact that the original insurance policy was not produced during the course of hearing before the Tribunal below.

3. According to the learned counsel for the appellant, the investigating agency also could not collect the original insurance paper/covering note of the vehicle involved in the accident and this fact has not been properly appreciated by the Tribunal below while fastening the liability upon the insurance company. It is also contended by learned counsel for the appellant that the owner of the said vehicle has also failed to produce the original cover note/policy of the vehicle involved in the accident so as to determine the validity of the insurance policy for the relevant period of time.

4. Upon due consideration of the submissions made by learned counsel for the appellant and on perusal of the award, it clearly reflects that in paragraph 15 while answering to issue No.1 to 5 which was framed by the court below there is a categorical finding that the photocopy of the insurance policy/ cover note was produced during the course of hearing and from the cover note it reflects that the policy premium was paid for the period 17.6.2013 to 16.6.2014. In the instant case the date of accident is 8.5.2014

i.e. within the validity period. In view of the said categorical finding of the Tribunal this court is of the opinion that no strong case has been made out to doubt the finding of the Tribunal or to interfere with the said finding. Further from the evidence which is come on record also it does not reflect that the insurance company has taken the stand that the policy which has been produced during the course of hearing i.e. photocopy was a fake or fabricated document which was not issued from the office of respondent 3.

5. In absence of the same this Court is of the opinion that this is not a fit case to interfere with the finding of the Tribunal below. The appeal thus, being devoid of merits is liable to be rejected and is hereby rejected.

Sd/

(P. Sam Koshy)
Judge