

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. APPEAL (C) NO. 314 OF 2011

Nirakar Yadav, aged about 31 years, S/o Purnoram Yadav, Caste- Mehkul,
R/o Village Bamhani, Police Station Duldula, District Jashpur (C.G.)

... Appellant

versus

1. Ghurni Bai, D/o Lachhuraam Gyar, aged about 32 years, W/o Sitaram, R/o Village Kharijhariya, P.O. Barangjore, Tahsil Kunkuri, District Jashpur (C.G.)
2. Savita, D/o Lachhuraam Gyar, aged about 25 years, W/o Jagesware, R/o Village & Post Kunkuri, Tahsil Kunkuri, District Jashpur (C.G.)
3. Lalita, D/o Lachhuraam Gyar, aged about 23 years, W/o Pitamber, R/o Village Dhodi, Post Kurdega, District Simdega (Jharkhand)
4. I.C.I.C.I. Lombard General Insurance Company Limited, Jenith House, Keshav Rao, Khandey Road, in front of Racecourse Mahalaxmi, Mumbai (M.H.) 400034

... Respondents

For Appellant	:	Mr. Rishi Rahul Soni, Advocate.
For Respondents No. R(I) to R(III)	:	Mr. Rishi Mahobia, Advocate, under instructions of Mr. A.K. Prasad, Advocate.
For Respondent No.2.	:	Mr. P. Acharya, Advocate, under instructions of Mr. Amrito Das, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/11/2017

1. The present is an appeal under Section 173 of the Motor Vehicles Act, 1988, assailing the award dated 19.1.2011 passed by the Additional Motor Accident Claims Tribunal, Kunkuri, District Jashpur, in Claim Case No.67/2007.
2. Vide the impugned award, the learned Tribunal, in a death case, under Section 166 of the Motor Vehicles Act, has awarded a compensation of Rs.1,64,380/- in favour of the claimants with interest thereon at the rate of 6% per annum from the date of presentation of the claim application and has fastened the liability for payment of compensation upon the owner-cum-driver, exonerating the insurance company of its liability.

3. It is this award which has been assailed by the owner in the instant appeal assailing the liability which has been fastened upon it.

4. The sole ground raised by the learned counsel for the appellant assailing the impugned award is that the appellant had a licence at the relevant point of time which for some reasons could not be produced before the learned Tribunal and which the appellant by way of a covering memo has produced before this Court.

5. Perusal of record would show that the said licence was not valid on the date of accident as the licence which has been relied upon was a learner's licence valid initially from 22.3.2006 to 21.9.2006 and subsequently it was renewed only on 5.5.2007 and was valid up to 4.11.2007, that is, on the date of accident there was no valid licence available either learner's or permanent in favour of the appellant. Thus, the ground so raised by the learned counsel for the appellant does not have much force calling for an interference with the impugned award. In addition to this, the appellant has not been able to show any further strong ground with which the impugned award can be interfered with.

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

Sd/-
(P. Sam Koshy)
Judge