

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 759 of 2017**

The Oriental Insurance Company Limited, Through Divisional Office,
Divisional Manager, Katchaheri Chowk, Raipur, District Raipur,
Chhattisgarh

---- Appellant**Versus**

1. Smt. Dhaneshwari Nishad Wd/o Late Dilip Kumar Nishad, Aged About 30 Years
2. Harsh Nishad S/o Late Dilip Kumar Nishad, Aged About 12 Years (Minor)
3. Ku. Rashmi Nishad D/o Late Dilip Kumar Nishad, Aged About 8 Years (Minor)
4. Lakshya Kumar S/o Late Dilip Kumar Nishad, Aged About 2 Years (Minor)
5. Jantrin Bai Nishad Wd/o Late Itwari Ram Nishad,
All are R/o Village Kankalipara, Simga, District Raipur, Chhattisgarh
6. C. Yadu Bhushan, Through Trilochan Singh, Near Minocha Petrol Pump, Telibandha, Raipur, Chhattisgarh

----Respondents

For Appellant	:	Mr. Raj Awasthi, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/09/2017**

1. Present is an appeal assailing the award dated 17.02.2017, passed in Claim Case No. 592/2014, passed by the 1st Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh. Vide the said impugned award the Tribunal has passed an award of Rs.10,88,000/- with interest @ 6% per annum from the date of application.
2. The challenge to the impugned award is on the ground that there was sufficient material before the Tribunal to establish that there was

contributory negligence on the part of the drivers of two vehicles involved in the accident.

3. According to the counsel for the appellant, the Tribunal should have suitably passed an award holding that there was contributory negligence and the amount of compensation should have been suitably apportioned.
4. Perusal of the record would reveal that the drivers of both the vehicles involved in the accident had died and that there was no material evidence brought on record by the Insurance Company to prove the contributory negligence as provided.
5. In the absence of any such evidence with which a different view could have been taken, this Court is of the opinion that the appeal of the Insurance Company devoid of merit the same deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge

Ved