

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No.625 of 2013

The Oriental Insurance Comp. Ltd. Division Office, Geetanjali Bhawan, Main Road, Korba, Thru- Its Divisional Manager, Divisional Office, Bilaspur C.G.

---Appellant

Versus

1. Dadu Ram & Ors. S/o Gokul Prasad Aged About 27 Years At Present R/o Dhelwadig House No. 532, P.S. & Tah. Katghora, Distt. Korba C.G.
2. Abdul Shameem Abdul Shamad R/o Puchchpara, Tah. & P.S. Katghora, Distt. Korba C.G.
3. Pawan Kumar Agrawal S/o Om Prakash Agrawal R/o Vinoba Nagar, Bilaspur, Distt. Bilaspur C.G.

---Respondents

For Appellant	:	Shri Raj Awasthi, Advocate.
For Respondent No.1	:	Shri Basant Kaiwartya, Advocate.
For Respondent No.2	:	Shri R.M.Solapurkar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

29/08/2017

1. Heard on I.A.No.1, which is an application for condonation of delay in filing the appeal.
2. The reasons assigned in the application found to be justified, therefore, I.A.No.1 is allowed and delay of 1931 days in filing the appeal stands condoned.
3. Heard on admission.
4. Challenge in the present appeal is to the award dated 30/03/2007 passed by the Additional Motor Accident Claims Tribunal, Katghora (In short the Tribunal) in claim case No.124/2007 vide the said impugned award, the Tribunal in a proceeding under Section 166 of the Motor Vehicles Act has awarded compensation of Rs.1,72,000/- along with interest @ 7% per annum from the date of application.
5. The challenge to the award is that the driver of the offending vehicle was not having a valid and proper driving license, in as much as it does not carry proper endorsement of permission to drive the vehicle which had met with an accident.
6. The facts and issues raised by the appellant in the present case stands squarely covered by the larger bench decision of the Supreme Court in the

case of ***Mukund Dewangan Vs. The Oriental Insurance Co.Ltd.*** decided on 03/07/2017 vide civil appeal No. 5826/2011, this court is of the opinion that, no strong case has been made out for any interference with the impugned award.

7. Appeal thus fails and it deserves to be and is accordingly dismissed.
8. The interim order made granted earlier stands vacated.
9. Amount if so deposited by the appellant shall be liable to be released to the claimants without any condition.

**Sd/-
(P. Sam Koshy)
JUDGE**

Sumit