

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 645 of 2013**

The National Insurance Co. Ltd. Through The Divisional Manager,
Divisional Office, Akash Ganga Parisar, Supela, Bhilai, P.S. Bhilai,
Distt. Durg C.G.

---- Appellant**Versus**

1. Smt. Temin Bai W/o Komal Prasad Sahu Aged About 26 Years
2. Dharmendra Kumar S/o Late Komal Prasad Aged About 8 Years
3. Kumari Asha D/o Late Komal Prasad Aged About 3 Years
4. Onkar Prasad S/o Late Sunderlal Sahu Aged About 65 Years

Respondents No. 2 & 3 are Minor Through legal guardian Mother
Smt. Temin Bai

All are R/o Village Usribod, Post- Surgi, P.S. Rajnandgaon, Tah.
Rajnandgaon, Distt. Rajnandgaon C.G.

5. Mohan Lal S/o Ram Singh Sahu Aged About 30 Years R/o Alikhunta,
Post- Rani Tarai, P.S. Rajnandgaon, Distt. Rajnandgaon C.G.
6. Ajay Kumar S/o Hemlal Sahu Aged About 32 Years R/o Village
Usribod, Post- Surgi, P.S. Rajnandgaon, Distt. Rajnandgaon C.G.

----Respondents

For Appellant	:	Mr. Goutam Khetrapal, Advocate
For Respondents No. 1 to 4	:	Mr. Abhishek Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/10/2017**

1. The present is an appeal under Section 173 of the Motor Vehicles Act. The appeal is on behalf of the Insurance Company assailing the award dated 28.02.2013, passed by the 1st Additional Motor Accident Claims Tribunal, Rajnandgaon, Chhattisgarh, in Claim Case No.81/2011.
2. Vide the impugned award, the Tribunal in a proceeding under Section 166 has awarded a compensation of Rs.3,13,000/- with interest @6% per annum from the date of application.

3. The solitary ground of challenge in the appeal is that the driver of the offending vehicle at the time of accident was not having proper endorsement on his license to run a Tata Pickup and which is a transport vehicle. According to the counsel for the appellant the driver only had a license for driving a Light Motor Vehicle. The said ground raised by the Insurance Company is no longer sustainable in the light of larger Bench's decision of Hon'ble Supreme Court in the case of ***"Mukund Dewangan vs. Oriental Insurance Company Limited"*** AIR 2017 S.C. 3668.
4. The appeal thus being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved