

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 585 of 2016**

The Oriental Insurance Company, Through The Branch Manager,
The Oriental Insurance Company Limited, Madina Building Jail
Road, Raipur District Raipur (Chhattisgarh)

---- Appellant**Versus**

1. Vinod Kumar Sahu S/o Shri Rambharosa, Aged About 45 Years
2. Smt. Meena Sahu, W/o Shri Vinod Kumar Sahu, Aged About 38 Years

Both are R/o Patel Ward, Tumasivni, Police Station Arang, District
Raipur (Chhattisgarh)

3. Top Lal Verma, S/o Jothi Ram Verma, Aged About 35 Years R/o
Lohari, Police Station Suhela, District Balodabazar-Bhatapara
(Chhattisgarh)
4. Prakash Kumar Agrawal S/o Shri Gyaneshwar Agrawal R/o K.K.
Ward, Bhatapara, District Balodabazar-Bhatapara (Chhattisgarh)

----Respondents

For Appellant : Mr. Goutam Khetrapal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/09/2017**

1. Present is an appeal preferred by the Insurance Company assailing the award dated 15.02.2016, passed by the 5th Additional Motor Accident Claims Tribunal, Raipur, Chhattisgarh, in Claim Case No. 318/2014.
2. Vide the said impugned award, the Tribunal has imposed a compensation of Rs.5,76,000/- with interest @ 9% per annum from the date of application. The challenge to the award is on the ground that the driver of the offending vehicle did not have proper license on the date of accident.

3. According to the counsel for the appellant, the vehicle involved in the accident was a transport vehicle and the license which the driver had was only to drive the LMV. There was no endorsement of permission to drive a transport vehicle. The ground raised by the appellant in the instant case is no longer ***res integra*** as the issue stands squarely covered by the Larger Bench's decision of the Hon'ble Supreme Court in case of "***Mukund Dewangan vs. Oriental Insurance Company Limited***" AIR 2017 S.C. 3668.
4. In view of the same this Court does not find any strong case for interfering with the impugned award. The appeal thus being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved