

NAFR**HIGH COURT of CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 736 of 2016**

Reliance General Insurance Company Limited , Branch Office, 4th Floor, Shop No. 412-413, Ravi Bhawan, Jaistambh Chawk, Raipur, at present- 5th Floor, National Corporate Park, G. E. Road, P.S. Saraswati Nagar, Civil and Revenue District Raipur, Chhattisgarh(Insurer of Bus No. C.G.-07-E-0814)

---- Appellant**Versus**

1. Smt. Mehmooda Begam Wd/o Late Sattar Khan, aged about 46 years, R/o Adarsha Nagar, behind Girls Hostel, Kawardha, Dist. Kabirdham, Police Station Kabirdham, Chhattisgarh
2. Idrish Khan S/o late Sattar Khan, aged about 23 years, R/o Adarsha Nagar, behind Girls Hostel, Kawardha, Dist. Kabirdham, Police Station Kabirdham, Chhattisgarh
3. Jubeda Bano D/o late Sattar Khan, aged about 18 years, R/o Adarsha Nagar, behind Girls Hostel, Kawardha, Dist. Kabirdham, Police Station Kabirdham, Chhattisgarh
4. Imteyaj B. W/o Usman Khan, aged about 65 years, R/o Adarsha Nagar, behind Girls Hostel, Kawardha, Dist. Kabirdham, Police Station Kabirdham, Chhattisgarh
5. Usman Khan S/o late Ramjan Khan, aged about 68 years, R/o Adarsha Nagar, behind Girls Hostel, Kawardha, Dist. Kabirdham, Police Station Kabirdham, Chhattisgarh(Claimants)
6. Mohd. Rafique S/o Pyare Mohammed, aged about 35 years, R/o Kelabadi, Durg, Police Station Durg(Driver of Bus No. C.G.-07-E-0814)
7. M/s Durg Roadways Pvt. Ltd., Office- Bus Stand, G.E. Road, Durg Police Station Durg, Chhattisgarh(Owner of Bus No. C.G.-07-E-0814)

---- Respondents

For Appellant	:	Shri Shokie Yadav, Advocate
For Respondents 1 to 5	:	Shri A. L. Singroul, Advocate
For Respondent no.7	:	Shri Sanjay Kumar Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

04/07/2017

Challenge in the present appeal is the award dated 31.03.2016 passed by the Additional Motor Accident Claims Tribunal, (FTC) Kabirdham (CG) in Claim Case No.55/2013. Vide the said impugned award the Claims Tribunal in a proceeding under Section 166 of the Motor Vehicles Act has awarded compensation to the claimants to the tune of Rs.17,36,961/-.

2. The ground of challenge in the present appeal is that the accident has not been establish before the Tribunal in as much as there has been an admitted factual position of there being no FIR registered against the driver of the vehicle involved in the accident. It has been contended by the counsel for the appellant that the driver at the relevant point of time was not having a valid license. Both these contentions are not sustainable in the given facts and circumstances of the case, on a bare perusal of paragraph-10 of the impugned judgment would reflect that there was a Rojnamacha entry Exhibit A-1 & A-2 in respect of the accident. Further, it is an admitted position that though the matter was reported to the Police yet treating the incident to be sheer accident, no case was registered against the driver. This finding of the Claims Tribunal is not disputed by the counsel for the appellant.

3. So far as the driver not having a valid licence is concerned, again from perusal of the finding to issue no.4 it has come in the cross-examination of the witness of the Insurance Company that the licence which the driver had at the relevant point of time was valid from 22.10.2009 to 16.10.2012 whereas the accident took place on 11.06.2011 i.e. while the licence was valid.

4. In view of the aforesaid categorical finding of the Tribunal, this Court is of the opinion that no strong case has been made out by the Insurance Company calling for any interference with the impugned award.

5. Thus, the present appeal being devoid of merits, the same deserves to be and is accordingly dismissed.

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