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HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 195 of 2018**

United India Insurance Company Limited Through Its Divisional Manager,
Divisional Office - Bramh Road, Near Kumkum Hotel, Ambikapur, P.S. and
Tah. Ambikapur, Distt. Surguja (Chhattisgarh).

---- Appellant**Versus**

1. Moharmaniya Gond Wd/o Maheshwar Gond Aged About 30 Years
R/o Village Songara, P.S. And Tahsil Pratappur, Distt. Surajpur
(Chhattisgarh), District : Surajpur, Chhattisgarh
2. Bholi D/o Maheshwar Gond Aged About 12 Years
3. Khushlya D/o Maheshwar Gond Aged About 11 Years
4. Nand Kumar S/o Maheshwar Gond Aged About 7 Years
Respondents No.2 to 4 are Minor Through Their Mother Moharmaniya
(Resp. No.1), All R/o Village Songara, P.S. And Tahsil Pratappur, Distt.
Surajpur (Chhattisgarh).
5. Anil Singh S/o K.P. Singh Aged About 45 Years R/o Ambikapur (Bauripara)
P.S. And Tah.Ambikapur, Distt. Surguja (Chhattisgarh).
6. Prabhunarayan Singh S/o Gavtiyaram Aged About 35 Years R/o
Bhagwanpur, Tah. Surajpur, Distt. Surajpur (Chhattisgarh)
7. Soldu @ Lachhandhari S/o Chanderram Aged About 45 Years R/o Datima,
O.P.-Karanji, P.S. Jaynagar, Distt. Surajpur (Chhattisgarh).

---- Respondents**MAC No. 200 of 2018**

United India Insurance Company Limited Through Its Divisional Manager,
Divisional Office - Bramh Road, Near Kumkum Hotel, Ambikapur, P.S. and
Tah. Ambikapur, Distt. Surguja (Chhattisgarh).

---- Appellant**Versus**

1. Shivlochani W/o Lochan Aged About 34 Years Caste - Gond, R/o Vill.
Songara, Tah. Pratappur, Distt. Surajpur (Chhattisgarh).
2. Anil Singh S/o K.P. Singh Aged About 45 Years R/o Ambikapur (Bauripara)
P.S. And Tah. Ambikapur, Distt. Surguja (Chhattisgarh).
3. Prabhunarayan Singh S/o Gavtiyaram Aged About 35 Years R/o
Bhagwanpur, Tah. Surajpur, Distt. Surajpur (Chhattisgarh).
4. Soldu @ Lachhandhari S/o Chanderram Aged About 45 Years R/o Datima,
O.P. - Karanji, P.S. Jaynagar, Distt. Surajpur (Chhattisgarh).

---- Respondents

For Appellant	:	Shri Dashrath Gupta, Advocate.
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SB: Hon'ble Shri Justice P. Sam Koshy**Judgment on Board**

01.02.2018

1. These two appeals arise out of same accident in claim case No. 15 and claim case No. 14 of 2016, decided on 30.08.2017 by the Additional Motor Accident Claims Tribunal, Pratappur (CG). Vide the impugned award the Tribunal has awarded compensation of Rs.6,01,000/- and Rs.1,71,187/- respectively to the claimants along with interest @ 6 percent per annum from the date of application.
2. The sole ground of challenge by the insurance company assailing the award is the fact that the owner and driver had played fraud with the Tribunal inasmuch as the person who was actually driving the vehicle was Lachhandhari who did not have valid license at the time of accident and in his place the respondents have implanted a person namely Soldu who was having a license and therefore was shown as driver at the time of accident. In support of his contention, the appellant has produced the driving license of Soldu so also the voter list of said person and also the voter list of Lachhandhari S/o Ramdev Gond to show that they were two different persons.
3. However, perusal of records would show that except for these documents, there is no cogent evidence produced before the Tribunal with which it could be established that the driver of vehicle at the time of accident was not Soldu, but was Lachhandhari. In fact the case of the respondent before the Tribunal all along was that Soldu was also known as Lachhandhari as that was his pet name and Soldu was official name.
4. Given the facts and circumstances of the case and also taking note of

the fact that there can be various persons by the name Lachhandhari and by the name Soldu, unless it is cogently proved by the insurance company, it cannot be accepted that the vehicle was not being driven by the Soldu at the time of accident. Moreover, what is apparent is that the said driver Soldu @ Lachhandhari himself was examined before the Tribunal and has admitted the fact that he was driving the vehicle and on the contrary, the insurance company have not called upon Soldu before before the Tribunal to establish that he was a different person.

5. Under the said circumstances, this court does not find any strong case made out by the appellant-insurance company calling for interference with the impugned award.
6. Accordingly, both the appeals being devoid of merit are liable to be and are accordingly dismissed.

Sd/-

(P.Sam Koshy)
Judge