

HIGH COURT OF CHHATTISGARH, BILASPUR**FA No. 58 of 2003**

1. Divisional Manager, United India Insurance Co. Ltd., Divisional Office P.B. No. 23 Main Road, Korba, Tahsil and District- Korba (C.G.)
2. Branch Manager, United India Insurance Co. Ltd. Ambikapur, Tahsil-Ambikapur, District- Surguja (C.G.)

---- Appellants**Versus**

Pawan Kumar Agrawal, S/o Late Shri Jagdish Ram Agrawal, aged 37 years, R/o Juna gaddi, Road- Through : General Power of Attorney Holder, Shri Pradeep Agrawal, S/o Shri Ram Pratap Agrawal, aged 35 years, Resident of Juna Gadd Road, Ambikapur, Tahsil Ambikapur, District- Surguja (C.G.)

---- Respondent

For Appellant	:	Mr. Shrikumar Agrawal, Sr. Advocate with Mr. Anand Kumar Gupta, Advocate.
For Respondent	:	Mr. B.P. Gupta, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10/08/2018**

1. This first appeal is preferred under Section 96 of the Code of Civil Procedure, 1908 against judgment/ decree dated 16.01.2003 passed by First Additional District Judge, Surguja at Ambikapur (C.G.) in Civil Suit No. 6-B/2000, wherein the said court decreed the suit of the respondent for damages on account of accident of bus bearing registration No. CPL 9009, dated 03.05.1995.
2. In the present appeal, liability part of the insurance company is not under challenge. The only issue between the parties is that driver of the said vehicle was not having effective driving license on the date of incident i.e. 03.05.1995.
3. To wriggle out the liability, the insurance company led evidence of one Dubraj Singh (DW-2) who is clerk in district transport office, Lohardaga (Jharkhand). In his statement, he has clearly admitted that a duplicate driving license has been issued to the driver of the said vehicle. Apparently, original driving license issued by the

transport office that's why said office issued the duplicate driving license in favour of the driver.

4. Once it is established that the driving license was issued by the transport department, the argument advanced on behalf of the appellant is without substance that driver was not having effective driving license on the date of incident.
5. Award amount of Rs. 1,25,000/- is not under challenge and there is no reason to disburse the finding of the trial court and the same is hereby affirmed.
6. It is contended on behalf of the appellant that the interest awarded by the tribunal @ 18% per annum is on higher side and the same should be modified.
7. The matter is related to a motor accident and normally such type of claims are decided by motor accident claims tribunal. In the present scenario, the rate of interest is 9%, therefore, interest part awarded by the trial court is liable to be modified and interest in place of 18%, the appellant will pay interest @ 9% per annum from the date of decree.
8. Accordingly, the appeal is partly allowed. The decree passed by the trial court is modified as under:-
 - (i) Award amount of Rs. 1,25,000/- shall remain as it is, but the interest on the said award shall be payable @ 9% per annum from 12.05.1995.
 - (ii) Other part of the award shall remain unchanged.

Sd/-
(Ram Prasanna Sharma)
Judge