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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1201 of 2014**

- The Oriental Insurance Company Ltd. Through Shri Senior Branch Manager, Branch Office Beside L.I.C. Near Railway Station, Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. Dilip Kewat S/o Shri Manharan Ram Kewat Aged About 35 Years R/o Subhash Nagar (beside house of Shesh Shammi), Behind Masjid, Takhatpur, Distt. Bilaspur Chhattisgarh
2. Meraj Ansari S/o Shri Siraj Ahmad Ansari Aged About 22 Years, Occupation Murgi Shop, R/o Main Road Near Masjid Takhatpur, PS Takhatpur, Distt. Bilaspur Chhattisgarh
3. Ram Awatar S/o Banshi Marar Aged About 25 Years, Occupation Agriculturist R/o Village Nawapara Sahash Lohara, P.S. And Tahsil Sahash Lohara Distt. Kabirdham Chhattisgarh
4. Smt. Ratni Bai W/o Ram Awatar Marar Aged About 23 Years R/o Nawapara Sahash Lohara, Tahsil Sahash Lohara Distt. Kabirdham Chhattisgarh

---- Respondent

For Petitioner	Mr. Pankaj Agarwal, Advocate
For Respondents 3 & 4	Mr. Sunil Sahu, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****22/11/2018**

1. Heard.
2. The claim application preferred by respondents 3 & 4 before the Motor Accident Claims Tribunal, Kabirdham (Kawardha) was

compromised before the Lok Adalat and an award -Annexure P/2 was passed on condition that the owner of the vehicle Meraj Ansari (respondent No.2) shall produce copy of the permit of the offending vehicle before the petitioner-Insurance Company within one month, failing which, the liability of payment of award amount of Rs.1,70,000/- shall be of the owner of the vehicle. Satisfying the condition, the owner presented copy of the permit before the Insurance Company, which was found to be forged, therefore, the Insurance Company moved an application for setting aside the compromise award passed by the Lok Adalat. The same has been dismissed by the impugned order.

3. Mr. Pankaj Agarwal, learned counsel would appear for the petitioner-Insurance Company, Mr. Sunil Sahu, learned counsel would appear for respondents 3 & 4 (claimants) and Mr. Ajit Singh, learned counsel has filed Vakalatnama for respondent No.2, owner of the vehicle, however, during the course of hearing, he informed that he has no instructions in the matter because the owner has taken back the file from him.
4. No one appears for respondent No.1 Dilip Kewat, driver of the offending vehicle.
5. Having heard learned counsel for the parties, it appears, when the condition to submit permit of the offending vehicle was made part of the compromise award passed by the Lok Adalat, the same would mean a valid permit and not a permit which has no existence, as has been stated by witness Umesh Tripathi, who

is AG-III in the office of the RTO, Bilaspur, where-from, the permit was purportedly issued.

6. There being no condition in the award directing the Insurance Company to pay and thereafter, recover the amount from the owner and the owner has not appeared before this Court today, there is no possibility of passing a modified award with the consent of the parties.
7. Therefore, in the facts and circumstances of the case, this Court has no other option but to set-aside the award (Annexure P/2) passed by the Lok Adalat Bench -I on 20.1.2013, Kabirdham (Kawardha) and to remit the matter back to the concerned MACT for deciding the claim petition on merits.
8. It is ordered accordingly.
9. The parties shall bear their costs.

Sd/-

(Prashant Kumar Mishra)

Judge

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