

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 894 of 2018

- Reliance General Insurance Company Limited Through Its Legal Officer, Reliance General Insurance Company Limited, 301-302, Corporate House, 169 Rnt Marg, Opposite Jhabua Tower, Indore Madhya Pradesh., District : Indore, Madhya Pradesh

---- Appellant.

Versus

1. Jai Singh S/o Manbodh Aged About 57 Years R/o Navapara Chittajhor Pondi, P. S. Pondi, Tahsil Baikunthpur, District- Koriya, Chhattisgarh.
2. Mangal Singh S/o Jai Singh Aged About 25 Years R/o Navapara Chittajhor Pondi, P. S. Pondi, Tahsil Baikunthpur, District- Koriya, Chhattisgarh..
3. Anand Singh S/o Jai Singh Aged About 24 Years R/o Navapara Chittajhor Pondi, P. S. Pondi, Tahsil Baikunthpur, District- Koriya, Chhattisgarh.
4. Dara Singh S/o Jai Singh Aged About 22 Years R/o Navapara Chittajhor Pondi, P. S. Pondi, Tahsil Baikunthpur, District- Koriya, Chhattisgarh.
5. Deep Singh S/o Jai Singh, Aged About 18 Years R/o Navapara Chittajhor Pondi, P. S. Pondi, Tahsil Baikunthpur, District- Koriya, Chhattisgarh. – Claimants.
6. Ajay Kumar Pandey, S/o S/o B. N. Pandey, R/o Gramas Kachhar Kaghodi, Tahsil Sonhat, District- Koriya, Chhattisgarh.Owner.

– Respondents

For Appellant : Mr. Sourabh Sharma, Advocate.

Form Respondents : None

SB: Hon'ble Mr. Ram Prasanna Sharma, J

Order on Board

12-07-2018

1. The appellant/Insurance Company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 against the award dated 21-2-2018 passed by the First Additional Motor Accident Claims Tribunal, Manendragarh, Civil District Koriya (CG) in Claim Case No. 16 of 2014 wherein the said Tribunal awarded compensation of Rs.2,84,000/- for death of deceased Mahesh Singh in a motor accident.
2. The case, in brief, is that the claimants/respondents 1 to 5, who are father and brothers of the deceased Mahesh Singh have filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 pleading *inter alia* that on 4-10-2010 at about 1.30 pm deceased driver Mahesh Singh while driving offending vehicle bearing registration No. CG 10 BC 3007 turned turtle as a result of which he died on the spot.
3. The present appeal is filed by the Insurance Company on the ground that cover note of the Insurance Company is a forged document as a bunch of policy was missing from the office of the company, therefore, the Insurance Company is not liable to pay the compensation on the basis of manipulated policy.
4. The only issue for consideration of this court is whether the Insurance policy is a fabricated one or not.
5. As per evidence of Mohit Dubey (NAW/1), who is a witness of the Insurance Company, the policy cover note (NA/1) is issued

by the Insurance Company. Though he is stating that a bunch of cover note missed from the office, but he is unable to state whether the cover note filed before the Tribunal is having the same number of policy which is missed. Again, he has not stated that the policy number issued in the present case is issued regarding some other vehicle.

6. From the entire evidence of this witness, it is clear that the policy note was issued by the Insurance Company and when the Insurance Company has issued the policy, the company cannot be absolved from its liability. It is a claim on account of death case and the amount of compensation awarded by the Tribunal is Rs.2,84,000/- which cannot be termed to be on higher side.
7. Accordingly, the appeal being devoid of merit is liable to be and is hereby dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge

Raju