

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 279 of 2012**

The Oriental Insurance Company Limited, Divisional Office,
Geetanjali Bhawan, Main Road, Korba, Chhattisgarh, through: its
Senior Divisional Manager.

---- Appellant**Versus**

1. Leelagar Singh, Aged about 48 years, S/o. Laxman Singh,
2. Smt. Rajkumari, Aged about 42 years, W/o. Leelagar Singh
3. Manipal Singh, Aged about 19 years, S/o. Shri Leelagar Singh,
All are R/o. Rajgamar, Purani Basti, Tahsil and District Korba
Chhattisgarh
4. Bal Singh, S/o. Laxman Singh, Aged about 46 years, R/o. Rajgamar,
Purani Basti, Tahsil and District Korba Chhattisgarh

---- Respondents

For Appellant	:	Mr. Pallav Mishra, Advocate under instructions of Mr. R.N. Pusty, Advocate
For Respondent No.1 to 3	:	Mr. Samir Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/02/2018**

1. The present is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act. Challenge is to the award dated 06.01.2012, passed by the Commissioner for Workmen's Compensation-cum-Labour Court, Korba, Chhattisgarh, in Case No. 51/W.C.A./2010/Fatal.
2. Vide the impugned award, in a claim case under the provisions of Workmen's Compensation Act, the learned Commissioner has awarded a compensation of Rs.5,63,050/- towards compensation with interest @ 12% per annum from the date of accident.
3. The appeal has been preferred raising two grounds, first that the Driver of the vehicle did not have a valid license on the date of

accident, in as much as the Driver only had a learner's license. The second ground was that the vehicle on the said date was used for commercial purpose and was not used for agriculture purpose, for which it was registered as well as insured, thus there is a clear breach of policy condition, and therefore the impugned award deserves to be set-aside.

4. Perusal of the record would show that apparently the Tractor had a sitting capacity of one. The requirement under the Motor Vehicles Act of an instructor with a valid license to be available without the person having learner's license while driving would not be applicable in the given facts as the Tractor itself did not have a sitting capacity of more than one. Thus question of the instructor sitting on the Tractor would not be sustainable. Likewise on the issue whether the Tractor was used for an agriculture purpose or for a commercial purpose also would not be a valid ground for the reason that the claim application is under the provisions of the Workmen's Compensation Act where the requirement is to establish only the employer-employee relationship, which in the instant case is not in dispute, nor is there any evidence in rebuttal in this regard. Under the circumstances, this ground also would not be sustainable for interfering with the impugned award.
5. The appeal thus being devoid of any substantial question of law as is required under Section 30 of the Workmen's Compensation Act, the same deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge