

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No. 1101 of 2016

Branch Manager, Shriram General Insurance Company Limited, Branch Office, G.E. Road, Mohba Bazaar, R.K. Mall, Thana And Tahsil Raipur, Chhattisgarh. (Alleged Insurer Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).

---Appellant

Versus

1. Devsai S/o. Late Jhagru, Aged About 40 Years, Occupation- Labourer.
2. Sabina Lakda W/o Shri Devsai Lakda, Aged About 37 Years, Caste- Uraon, Occupation- Labourer.

Both are R/o Village- Haldi Dohar, Chouki Dabra, Thana- Rajpur, District- Balrampur, Chhattisgarh, Present Address- Mohalla Fundurdihari, Thana And Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

3. Guddu @ Jai Prakash Gupta S/o Late Mahesh Prasad Gupta, Aged About 32 Years, Occupation- Driver, R/o- Village- Lurgikhurd, Thana- Chalgali, Tahsil And District- Balrampur, Chhattisgarh. (Driver Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).
4. Ajay Narayan Gupta S/o Ramnarayan Gupta, Aged About 40 Years, Occupation Vehicle Owner, R/o- Village- Dabra, Tahsil And District- Balrampur, Chhattisgarh. (Owner Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).

---Respondents

MAC No. 1102 of 2016

Branch Manager, Shriram General Insurance Company Limited, Branch Office, G.E. Road, Mohba Bazaar, R.K. Mall, Thana And Tahsil Raipur, Chhattisgarh. (Alleged Insurer Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).

---Appellant

Versus

1. Sadhram Tirkey S/o Late Buchchi Ram, aged about 55 years, Occupation Labourer.
2. Phoolmati Tirkey W/o Shri Sadhram Tirkey, aged about 50 years, Caste Uraon, Occupation Labourer.

Both are R/o Village Semra, Kathra, Thana Rajpur, District Balrampur (C.G.). Present Address Mohalla Fundurdihari, Thana and Tahsil Ambikapur, District Surguja (C.G.).

3. Guddu @ Jai Prakash Gupta S/o Late Mahesh Prasad Gupta, Aged About 32 Years, Occupation- Driver, R/o- Village- Lurgikhurd, Thana- Chalgali, Tahsil And District- Balrampur, Chhattisgarh. (Driver Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).
4. Ajay Narayan Gupta S/o Ramnarayan Gupta, Aged About 40 Years, Occupation Vehicle Owner, R/o- Village- Dabra, Tahsil And District- Balrampur, Chhattisgarh. (Owner Of Tractor No. C.G. 15AE/2585 And Trolley No. C.G. 15AE/2584).

---Respondents

For appellant/Insurance Company	: Shri S.S.Rajput, Advocate.
For respondents No.1 & 2 in MAC No.1102/2016.	: Ms.Priyanka Mehta, Advocate.
For respondents No. 3 & 4	: Shri P.Chetan Kumar on behalf of Shri Shrawan Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/02/2018

1. These are the two appeals filed by the Insurance Company assailing the two awards dated 29/07/2015 passed by the learned 4th Additional Motor Accident Claims Tribunal, Ambikapur, District Surguja (C.G.) in Motor Accident Case Nos. 189/2014 and 190/2014.
2. Vide the said impugned awards, the Tribunal in two death cases has awarded a compensation of Rs.6,36,000/- and Rs.6,48,000/- respectively with interest @ 9% per annum from the date of application.
3. The liability of payment of compensation has been fastened upon the appellant/Insurance Company. It is these two awards which are under challenge in these two appeals.
4. The contention of the counsel for the appellant/Insurance Company is that, the policy which has been produced before the Tribunal showing the

vehicle to be insured with the appellant/Insurance Company was a fake document and it was never issued from the appellant. It was also the contention of the counsel for the appellant that, even otherwise, there was a clear breach of policy condition in as much as the two deceased persons were sitting on the trolley of the Tractor which does not have sitting capacity and for which also, the Insurance Company cannot be held responsible for payment of compensation. It was further contended that, the provision of Rule 97 of the Madhya Pradesh Motor Vehicles Rules, 1994 also is not applicable as their ought to had been a specific permission sought from the Collector for seeking permission to permit the labourers to be carried on the trolley of the Tractor for agricultural purpose.

5. Perusal of record would show that, though these were the contention raised by the Insurance Company in their Written Statement, but the Insurance Company has not led any evidence to substantiate any of these contentions.

6. In the absence of any evidence led by the Insurance Company, the contentions raised by the counsel for the appellant in the present appeal does not appear to have sufficient strength or force calling for an interference with the impugned award.

7. Both the appeals thus fails, they deserve to be and are accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE