

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Appeal (C) No.816 of 2015

Branch Manager, National Insurance Company Ltd., Branch No.1,
Naveen Bazar, Foolchowk, G.E. Road, Raipur, District Raipur (C.G.)
Insurer of Tanker No.CG-04-ZC/1323

(Insurer)
---- Appellant

Versus

1. Anand Panka, Age 30 years, S/o Shri Murli Panka, R/o Utkal Nagar,
Akashwani, P.S. Civil Line, Tahsil & District Raipur (C.G.)
(Claimant)
2. Shaukat Khan, Age 62 years, S/o Mohammad Khan, R/o Behind
Vivekanand Ashram, Idgah Bhata, P.S. Azad Chowk, District Raipur
(C.G.)
(Driver)
3. M/s Ahmad Ji Bhai and Sons, Through Proprietor A Ahmad Ji Bhai,
R/o Malviya Road, P.S. Golebazar, Tahsil & District Raipur (C.G.)
(Owner)
4. Kailashchand Dahiya, R/o Through Dahiya Embroidery, In front of City
Kotwali, P.S. City Kotwali, Raipur (C.G.)
Owner of Tabera
5. Divisional Manager, The New India Assurance Co. Ltd., Divisional
Office, 1st Floor, Jeevan Bhima Marg, Pandri, Raipur, District Raipur
(C.G.)
Insurer of Tabera
---- Respondents

For Appellant: Mr. Raj Awasthi, Advocate.
For Respondent No.1: Mr. Badruddin Khan, Advocate.
For Respondents No.2 and 3: -
Mr. Sakib Ahmed, Advocate.
For Respondents No.4 and 5: -
None present, though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/11/2021

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 is
preferred against the award dated 23-2-2015 passed by the 3rd

Additional Motor Accident Claims Tribunal, Raipur in Motor Accident Claim Case No.16/2012, by which a compensation of ₹ 95,497/- has been awarded to the claimant / respondent No.1 herein along with 6% interest per annum from the date of making the claim application.

2. Plea of the appellant Insurance Company was that the driver did not have the valid and effective driving license to drive the offending vehicle owned by respondent No.3, insured by the appellant Insurance Company and driven by respondent No.2 in which the Claims Tribunal has returned a finding that the tanker was light motor vehicle for which the driver did have license for driving the vehicle No.CG-04/ZC-1323 and he was authorised to transport the vehicle. The learned Claims Tribunal has negated the plea raised by the appellant Insurance Company.
3. A careful perusal of the written statement filed by the Insurance Company would show that no such plea of specific authorisation for driving the tanker was taken and the driver did have the license to drive the light motor vehicle and the transport vehicle also. Therefore, the finding of the learned Claims Tribunal cannot be taken exception to and it is a valid and correct finding based on the evidence available on record. Accordingly, this appeal is dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge