

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 366 of 2016**

- Reliance General Insurance Company Limited , Through Its Legal Manager, Reliance General Insurance Company Limited, 5th Floor, National Corporate House Opposite Maruti Business Park, G.E.Road, Raipur, Chhattisgarh

---- Appellant**Versus**

1. Smt. Geeta Devi Sharma W/o Late Harihar Sharma, Aged About 45 Years R/o Qr. No. E.W.S. 1411, Housing Board, Bhilai, P.S. Jamul, Tahsil And District Durg, Chhattisgarh
2. Ku. Nisha Sharma D/o Late Harihar Sharma, Aged About 18 Years R/o Qr. No. E.W.S. 1411, Housing Board, Bhilai, P.S. Jamul, Tahsil And District Durg, Chhattisgarh
3. Chandan Sharma S/o Late Harihar Sharma, Aged About 16 Years Minor Through Mother Smt. Geeta Devi Sharma W/o Late Harihar Sharma, R/o Qr. No. E.W.S. 1411, Housing Board, Bhilai, P.S. Jamul, Tahsil And District Durg, Chhattisgarh
4. Golu Sharma S/o Late Harihar Sharma, Aged About 14 Years Minor Through Mother Smt. Geeta Devi Sharma W/o Late Harihar Sharma, R/o Qr. No. E.W.S. 1411, Housing Board, Bhilai, P.S. Jamul, Tahsil And District Durg, Chhattisgarh
5. Mohan Anwar Khan S/o Shahjahan Shah, Aged About 35 Years R/o Sai Tamar Toli, District Jashpur, Chhattisgarh
6. Mohammad Jiyaul Haq S/o Late Moh. Sajjak, R/o Rajdhani Transport, Ambikapur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Saurabh Sharma, Advocate
For Respondents 1 to 4	:	Shri Jitendra Gupta and Shri A.L.Singroul, Advocates

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/12/2021**

1. Heard on I.A.No.1/16, application for condonation of delay in filing the appeal.

2. Upon consideration of the application, I am of the view that sufficient cause has been shown for delay in filing the appeal. I.A.No.1/16 is accordingly allowed. Delay is condoned.

3. Heard on admission of the appeal.

4. Shri Saurabh Sharma, learned counsel for the appellant would submit that learned Claims Tribunal committed gross illegality in holding that respondent No.5 / driver had valid driving license to drive the offending vehicle. Further submission is that the deceased was negligent while riding the motorcycle and the quantum of compensation is also on higher side.

5. I have heard learned counsel for the parties, considered the rival submissions made herein above and also gone through the records with utmost circumspection.

6. Learned Claims Tribunal, while passing the judgment, held that the driver had effective driving license. The investigation report has not been proved by examination of the investigator. Furthermore, the RTO has also not been examined. In paragraph 16 of the impugned judgment, statement of eye witness (PW2) has been recorded that respondent No.5 / driver was negligent in driving the vehicle and the deceased was not negligent. Furthermore, the finding with regard to quantum is not established to be on higher side and no amount for future prospects have been granted. Therefore, I do not find any extraordinary ground to entertain this appeal. The appeal is, accordingly, dismissed.

Sd/-
(**Sanjay K. Agrawal**)
Judge