IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 487 of 2017

National Insurance Co. Ltd Office, Situated at Hindustan Building. Bistupur Main Road, P.O. & P.S. Bistupur, Town Jamshedpur District-Singhbhum (East)

... Defendant No.2/Appellant

Versus

(1) Hargen Prasad @ Hargen Ram, son of Suresh Ram, resident of Qr. No. 34/4 Railway Colony, Adityapur, P.O. & P.S. Adityapur, District – Saraikela Kharsawan. (Claimant)

(2) Gurjeet Singh, son of Yashpal Singh, at present residing at C/o. Gurudayal Singh, son of Harbhajan Singh, Dimna Road, Paras Nagar, P.S. Ulidih, PO- Mango, Town Jamshedpur, District-Singhbhum (East) (Owner) (Opp. Party No.1)

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellant: Mr Alok Lal, Advocate
Mr Santosh Kumar, Advocate

For the Respondents: None

08/Dated: 11.09.2026

1. Heard Mr Alok Lal who appears with Mr Santosh Kumar for the appellant.

2. I.A. No. 7132 of 2017 seeks condonation of delay of 41 days in filing the accompanying appeal.

3. On perusing the averments made in the interlocutory application, I am satisfied that sufficient cause has been shown.

4. Accordingly, the delay is condoned, and I.A. No. 7132 of 2017 is disposed of.

5. Considering that the appeal is of the year 2017 and several years were spent only in completing service upon the respondents, the

appeal is taken up for final hearing with the consent of the learned counsel for the appellant.

6. The records and proceedings were called at the request of Mr Alok Lal, and the same are today available.

7. The appeal is directed against the judgment and award dated 13th April 2017 in Compensation Case No. 147 of 2015 passed by Motor Vehicles Accident Claims Tribunal, Jamshedpur.

8. Mr Alok Lal has pressed only one ground in support of this appeal. He submitted that the insured vehicle was not involved in the accident at all and that, by ignoring the evidence led on behalf of the Insurance Company, the appellant-Insurance Company is held liable to pay compensation.

9. Mr Alok Lal submitted that the Tribunal passed a pay and recovery order because there was no evidence that the driver of the insured vehicle had a driving licence or that the insured vehicle had a permit. However, he submits that if it is held that insured vehicle was not at all involved in the accident, then the appellant-Insurance Company should have been completely exonerated.

10. To consider the above ground, firstly, I have perused the written statement filed on behalf of the appellant-Insurance Company. To my mind, the written statement does not contain any plea that the insured vehicle was not involved in the accident. Mr Alok Lal, however, referred to paragraph 7 of the written statement which reads as follows: -

> *"7. That as per the investigation report of Sri B. Choudhury, Advocate and vide letter No. SW/76/277/11 dated 16.02.2011 issued by Sri Mahendra Prasad, Head Security Works, Tata Steel Ltd., there is no such accident, as alleged in the claim petition has taken place near the company premises."*

11. The above plea does not amount to a categorical denial that the insured vehicle was not involved in the accident. However, if the pleadings are liberally construed and it is held that the averments in paragraph 7 constitute such a plea, it is necessary to note that the impugned award does not raise any issue in terms of the plea. At no stage did the appellant-Insurance Company insist on recasting the issue to raise such a plea.

12. In any event, I have perused and evaluated the evidence led on behalf of the appellant-Insurance Company, and I am satisfied that based on such evidence, such plea of the insured vehicle not being involved in the accident has not been proved or established.

13. The appellant-Insurance Company firstly examined Vishwajeet Mukherjee, Senior Assistant, as O.P.1. All that this witness stated is that they had engaged the services of an investigator in this matter and the investigator Sri Vishwajeet Choudhary has reported that no such accident took place on 26.08.2005 in the premises of Tata Steel Limited, which was alleged to be the accident point.

14. The evidence of O.P. No. 1, Mr Vishwajeet Mukherjee, is not based on any personal knowledge about the accident having taken place or not having taken place involving the insured vehicle. His deposition is entirely based upon what Mr Vishwajeet Choudhary has stated in his investigation report. This is hearsay evidence and based upon the same, the plea of the appellant-Insurance Company cannot be said to have been proved or established.

15. The next witness is Vishwajeet Choudhary (O.P.2), the investigator engaged by the appellant-Insurance Company. This witness also stated that he addressed a letter dated 16.02.2011 to Sri Mahendra Prasad, Chief Security Officer of Tata Steel Limited, inquiring whether any accident took place on 26.08.2005 on the Company's premises, and that Sri Mahendra Prasad informed him that no accident occurred. Again, the investigator, Vishwajeet Choudhary, has no personal knowledge of whether any accident took place on the alleged date involving the insured vehicle. He simply says that Sri Mahendra Prasad, the Chief Security Officer of Tata Steel Limited, has informed him that no such accident took place. This is also hearsay evidence that cannot be relied upon.

16. Admittedly, the appellant-Insurance Company has examined no other witnesses, including Mr Mahendra Prasad, the Chief Executive Officer of Tata Steel Limited, who perhaps would have been in a position to shed light on the factual situation.

17. Accordingly, based on the evidence of the appellant-Insurance Company, there is no scope to hold that there was no accident or that the insured vehicle was not involved in the accident. The Tribunal, in contrast, based upon both oral and documentary evidence, which includes the FIR and charge-sheet, has concluded that not only was the insured vehicle involved in the accident but, further, the accident took place on the pleaded date and time due to the rash and negligent driving by the driver of the insured vehicle. No case is made out to interfere with these findings, which are supported by the oral and documentary evidence on record.

18. Thus, there is no merit in the only plea now raised on behalf of the Insurance Company, and this appeal is liable to be dismissed on that ground alone. Accordingly, this appeal is dismissed without any order for costs.

19. Mr Alok Lal states that the compensation amount together with interest has been deposited in this Court. If so, the respondents-claimants are permitted to withdraw the same by furnishing the identity and bank details to the Registry. Upon such furnishing, the Registry shall transfer the compensation amount together with interest, if any, that shall have accrued thereon to the respondents-claimants.

20. A copy of this order must be sent to the Member Secretary, JHALSA since the respondents-claimants have not appeared in the matter. The Member Secretary, through the concerned DLSA

Secretary, is requested to contact the claimants and render them all assistance for receiving the compensation amount now deposited in this Court along with interest, if any, that shall have accrued thereon.

21. The appeal is dismissed without any order for costs.

22. The statutory amount deposited by the appellant can be refunded to the appellant once the entire compensation amount is transferred to the claimants.

(M. S. Sonak, C.J.)

September 11, 2026

N.A.F.R.

Manoj/Sharda/Cp.2

Uploaded on 14.09.2026