CGHC010247912023 2026:CGHC:46994

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1352 of 2023

1 - Smt Rajkumari Netam W/o Late Ranjit Singh Netam Aged About 37 Years R/o Village Shivtikari, Post Jondhra, Police Station Pachpedi, Tahsil Masturi, District Bilaspur (C.G.).

2 - Sampat Netam S/o Late Ranjit Singh Netam Aged About 18 Years R/o Village Shivtikari, Post Jondhra, Police Station Pachpedi, Tahsil Masturi, District Bilaspur (C.G.).

3 - Vaishnav Netam D/o Late Ranjit Singh Netam Aged About 11 Years Through Legal Guardian Appellant No. 1 Mother Smt. Rajkumari Netam R/o Village Shivtikari, Post Jondhra, Police Station Pachpedi, Tahsil Masturi, District Bilaspur (C.G.).

4 - Dhaneshwari Netam D/o Late Ranjit Singh Netam Aged About 6 Years Through Legal Guardian Appellant No. 1 Mother Smt. Rajkumari Netam R/o Village Shivtikari, Post Jondhra, Police Station Pachpedi, Tahsil Masturi, District Bilaspur (C.G.).

... Appellant(s)

versus

1 - Tata Aig Insurance Company Limited Through Branch Manager, Office No. T-B, Fourth Floor, Gwalani Chamber, Vyapar Vihar Road, Bilaspur And District Bilaspur (C.G.) (Insurer Of Alleged Vehicle Mahindra Car Scorpio Bearing Registration No. C.G.-10-Au-0418).

... Respondent(s)

For Appellants	:	Mr. S.P. Sahu, Advocate
For Respondent	:	Mr. Saurabh Gupta, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

(05.11.2026)

1. The present appeal has been preferred by the claimants challenging the order dated 08.05.2023 passed by the learned 6th Additional Motor Accident Claims Tribunal, Bilaspur (C.G.), in M.A.C.T. Case No. 218/2020, whereby the claim application filed under Section 163-A of the Motor Vehicles Act, 1988, was dismissed as not maintainable, while allowing the application filed by the respondent under Order VII Rule 11 of the Code of Civil Procedure, 1908, read with Section 169 of the Motor Vehicles Act, 1988.

2. Learned counsel appearing for the appellants/claimants submits that the impugned award passed by the learned Tribunal is illegal, arbitrary and unsustainable in the eyes of law. He further submits that the Tribunal has dismissed the claim application without affording the claimants a sufficient opportunity to establish their case by leading relevant evidence. It is also submitted that, as per the insurance policy placed on record along with the appeal, the risk of the deceased was covered under the compulsory Personal Accident (PA) cover for the owner and driver, for which a premium of Rs. 330/- was paid. It is, therefore, prayed that the impugned order be set aside and the matter be remitted to the learned Tribunal for fresh adjudication after conducting a proper enquiry in accordance with law.

3. Learned counsel appearing for the respondent submits that, in the event the matter is remanded to the learned Tribunal for fresh adjudication, the respondent may also be afforded an opportunity of hearing.

4. Heard learned counsel for the parties and perused the

record.

5. In the case at hand, upon perusal of the insurance policy of TATA AIG, annexed with the appeal along with the covering memo dated 04.11.2026, this Court finds that the matter requires consideration and adjudication by the learned Tribunal. Since the learned Tribunal, without conducting an appropriate enquiry into the aforesaid aspect, dismissed the claim application as not maintainable under Order VII Rule 11 of the CPC, the impugned order cannot be sustained in the eyes of law.

6. Accordingly, the impugned award dated 08.01.2021 is hereby set aside. The matter is remanded back to the learned Tribunal to decide the claim application afresh. The Tribunal shall give opportunity of hearing to both parties and allow them to adduce evidence.

7. Parties are directed to appear before the Tribunal on 08.12.2026 at 11:00 A.M.

8. The appeal stands disposed of with the aforesaid direction.

9. Registry is directed to send back the records of the Tribunal forthwith along with a copy of this order.

Sd/-

(Sanjay Kumar Jaiswal)

Judge

Sourabh