CGHC010065472022 2026:CGHC:30358

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 427 of 2022

Branch Manager/Divisional Manager, The New India Insurance Company Limited, Infront Of Karnataka Bank, Parakbhawan, Station Road, Durg, Tahsil & District Durg (Chhattisgarh) Policy Number-46070031190100016118 (Insurer Company Of Vehicle Truck No. CG-04-HR-6628) Insurance Period Date 13-01-2020 To Till 12-01-2021.

... Appellant

versus

1 – Rasiyaram, S/o. Late Ganesh Ram, Aged About 55 Years, Cast- Raut, Address- Village Pondi, Post Tekapar, Thana/ Tahsil/ District Balod (Chhattisgarh)

2 - Smt. Kamin Bai, W/o. Rasiya Ram, Aged About 50 Years, Cast- Raut, Address- Village Pondi, Post Tekapar, Thana/ Tahsil/ District Balod (Chhattisgarh)

3 - Mohit Ram, S/o. Rasiya Ram, Aged About 31 Years, Cast- Raut, Address- Village Pondi, Post Tekapar, Thana/ Tahsil/ District Balod (Chhattisgarh)

4 - Monin Khan, S/o. Mo. Jainnuddin Khan, Aged About 26 Years, Address- Village Talasabaria, Thana Manjhiaao, District Gadwa (Jharkhand). (Driver Of Vehicle Truck No. CG-04-HR-6628)

5 - Pitambra Logistics And Infra Private Limited, Shop No. 3, Third Floor, Gore Campus, Civil Line, Raipur, District Raipur Chhattisgarh...........(Owner Of Vehicle Truck No. CG-04-HR-6628.

... Respondents

For Appellant	:	Mr. Sudhir Agrawal with Ms. Prerna Agrawal, Advocates
For Respondents No. 1 to 3	:	Mr. Sanjeev Kumar Sahu, Advocate
For Respondents No. 4 & 5.	:	Mr. Vivek Shrivastava, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17.07.2026

1. The appellant/insurance company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 calling in question the legality, validity and correctness of the impugned award dated 18.11.2021 passed by the learned First Additional Motor Accident Claims Tribunal, Balod *(for short "the Claims Tribunal")* in Claim Case No.18/2020, by which the claim application of the claimants has been allowed and Rs. 42,91,542/- has been awarded as compensation.

2. Mr. Sudhir Agrawal, learned counsel for the appellant/ insurance company, would submit that the Claims Tribunal is absolutely unjustified in fastening the liability upon the insurance company, as it is the case where the deceased himself has dashed the stationery vehicle at the night and, therefore, the insurance company cannot be held liable.

3. Mr. Sanjeev Kumar Sahu, learned counsel for the claimants, would submit that the offending vehicle was parked without being on the indicators & parking light and no evidence has been led by the insurance company in this regard and, therefore, the insurance company has rightly been held responsible.

4. Mr. Vivek Shrivastava, learned counsel appearing for the driver & owner, would submit that the driver & owner of the offending vehicle were not liable to pay the amount of compensation.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.

6. The learned Claims Tribunal has clearly recorded a finding that the offending vehicle was parked without being on the indicators and parking light and the insurance company has not led any evidence to prove that the parking light was on. The driver of the offending

vehcle has also been subjected to prosecution for the offence under Section 304-A of I.P.C. The said finding recorded by the learned Claims Tribunal that the driver of the offending vehicle has driven the vehicle rashly and negligently and parked the vehicle without the indicators and parking light on, is a correct finding of fact based on evidence available on record, it is neither perverse nor contrary to the record. The plea with regard to excessive compensation awarded to the claimants including future prospects, has also not been established. Accordingly, I do not find any merit in this appeal, the same deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok