



CGHC010170882019



2026:CGHC:27902

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1078 of 2019**

- Branch Manager, The New India Insurance Company Limited Branch Office, Dharmashala Road, Daltenganj District Daltenganj (Jharkhand) Through Branch Manager The New India Company Limited, Branch Office Sada Complex Transport Nagar Korba, District Korba Chhattisgarh. Pin 495677 (Insurer Of Accidental Vehicle No. J.H.03 K. 9571) (Policy No. 54110131160100001887, Policy Period Upto Dated 31/08/2016 To 30/08/2017).

... Appellant**versus**

1. Smt. Bachiya Bai W/o Late Paltan Minj, Aged About 49 Years, Occupation – Housework;
 2. Jasnath Minj S/o Late Paltan Minj, Aged About 22 Years, Occupation – Labour;
 3. Devnath Minj S/o Late Paltan Minj, Aged About 20 Years, Occupation – Student;
 4. Ramnath Minj S/o Late Paltan Minj, Aged About 16 Years Occupation Student;
- Respondent No.4 Minor Through Natural Guardian And Mother Appellant No. 1 Smt. Bachiya Bai W/o Late Paltan Minj;

MAC No. 1078 of 2019

All R/o Village Aaragahi, Post Aaragahi, Thana And Tehsil Ramanujganj, District Balrampur, Ramanujganj Chhattisgarh. (Claimants).

5. Damodar Prajapati S/o Shri Munna Alias Mudrika Prajapati Aged About 30 Years Occupation - Vehicle Driver Resident Village Ramkanda (Kumhar Mohalla), Post and Thana Ramkanda, District Gadhwa (Jharkhand), Pin 822125. (Driver) (Vehicle Driver Of Accidental Pickup Vehicle No. J.H. 03-K-9571).
6. Surendra Kumar Gupta S/o Gauri Shankar Gupta, Aged About 45 Years, Occupation Vehicle Owner, Resident Village Ramkanda, Post And Thana Ramkanda, District Gadhwa (Jharkhand) Pin 822125. (Owner) (Registered Vehicle Owner Of Accidental Vehicle No. J.H.03-K-9571).
7. Smt. Pooja Tiwari W/o Shri Arvind Tiwari Aged About 40 Years, Occupation - Vehicle Owner, Resident Village Gasedag, Post Tamgekala, Thana Ranka, District Gadhwa, (Jharkhand) Pin - 822125. (Purchased Owner) (Actual Vehicle Owner Of Accidental Pickup Vehicle No. J.H. 03-K-9571).

... Respondents

For Appellant	:-	Mr. Sudhir Agrawal, Advocate.
For Respondents No.1 to 4	:-	Ms. Aakantha Vishwakarma, appears on behalf of Mr. A.N. Pandey, Advocate.
For Respondents No.6 & 7	:-	Ms. Kusum Lalchandani, appears on behalf of A.K. Yadav, Advocate.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board

07.07.2026

1. This appeal has been filed by the appellant/Insurance Company under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988"), against the impugned award dated

13.02.2019 passed by the 2nd Additional Judge to the Court of Motor Accident Claims Tribunal, Ramanujganj, District Balrampur, at Ramanujganj, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 23/2017, whereby the Claims Tribunal allowed the claimants' application and awarded ₹39,08,500/- along with interest for death of Paltan Minj by fastening the liability upon the Insurance Company/ appellant herein.

2. Mr. Sudhir Agrawal, learned counsel for the appellant/Insurance Company, would submit that the Claims Tribunal has wrongly considered the age to the deceased to be 55 years whereas, age of the deceased was 59 years on the date and time of incident. He would also submit that the ownership has already been taken by Pooja Tiwari/respondent No.7 herein before the incident, therefore, the Insurance Company is not liable to pay the compensation to the claimants.

3. Ms. Aakancha Vishwakarma and Ms. Kusum Lalchandani, learned counsels for respondents No.1 to 4 & 6 7, respectively, would support the impugned award and oppose the prayer made by learned counsel for the appellant. Ms. Lalchandani, would also submit that respondent No.6 & 7 are not liable to pay the compensation to the claimants.

4. Having heard learned counsel for the parties and after going through the records, I am of the considered opinion that the Claims Tribunal has rightly held that the age of deceased-Paltan Minj was 55 years which is based on the evidence available on record and the same is neither perverse nor contrary to the records. Furthermore, with regard to transfer of ownership of the offending vehicle in the name of Pooja Tiwari, neither any specific plea has been taken by the Insurance Company in the written statement nor any evidence has been led by the Insurance Company in this regard. In that view of the matter, I do not find any merit in the instant appeal, accordingly, the same is **dismissed**. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit