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HIGH COURT OF CHHATTISGARH AT BILASPUR
MAC No. 1081 of 2023

1 - The Oriental Insurance Comapny Limited By Branch Manger, The Oriental Insurance Company Limited, Beside Of Prakash Palace Ring Road, Near Pachpedi Naka P.S. Tikrapara, Raipur, C.G. Through - Authorized Signatory Deputy Manager, Legal Hub, The Oriental Insurance Company Limited Bilaspur, C.G.

... Appellant**versus**

1 - Tukaram Sahu S/o Budhram Sahu, Aged About 59 Years, R/o - Ward No. 7, Village Gatapara, P.S. Abhanpur, District : Raipur, Chhattisgarh.

2 - Smt. Meena Sahu W/o Tukaram Sahu, Aged About 55 Years, R/o - Ward No. 7, Village Gatapara, P.S. Abhanpur, District : Raipur, Chhattisgarh.

3 - Nirmal Sahu S/o Tukaram Sahu, Aged About 32 Years, R/o - Ward No. 7, Village Gatapara, P.S. Abhanpur, District : Raipur, Chhattisgarh.

4 - Daulatram Sahu S/o Tukaram Sahu, Aged About 30 Years, R/o - Ward No. 7, Village Gatapara, P.S. Abhanpur, District : Raipur, Chhattisgarh.

5 - Rajaram Bisnoi S/o Jay Kisan Bisnoi, Aged About 32 Years, R/o L I G 21, Ward No. 9, Sai Nagar Colony, Abhanpur (N.P.), P.S. Abhanpur, District : Raipur, Chhattisgarh.

... Respondent(s)

For Appellant	: Mr. B.N. Nande, Advocate
For Respondents	: None

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****(05.10.2026)**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the

appellant/Insurance company challenging the impugned award dated 24.02.2023 passed in Motor Accident Claims Case No. 610/2021, whereby the learned Claims Tribunal has awarded a total sum of Rs.12,23,840/- as compensation under Section 166 of the Act of 1988 to the claimants for the death of Virendra Sahu who died in a road accident which took place on 12.02.2021, and directed the appellant/Insurance company to first pay the award amount and then to recover the same from respondent No.5.

2. Learned counsel for the appellant submits that the learned Claims Tribunal, having recorded a categorical finding that respondent No. 5, the owner-cum-driver of the offending Truck, was not holding a valid permit and fitness certificate for the vehicle, erred in directing the appellant-Insurance Company to first satisfy the award and thereafter recover the awarded amount. It is submitted that the present case is one of there being no valid permit or fitness certificate at all, which constitutes a clear breach of the policy conditions. Therefore, the direction to pay and recover is unsustainable and liable to be set aside.
3. None for respondents.
4. I have heard learned counsel for the appellant and went through the records with utmost circumspection.
5. In the case at hand, it is true that the learned Claims Tribunal recorded a finding regarding breach of the policy conditions on the ground that, at the time of the accident, the driver, namely, Rajaram Bisnoi, was not holding a valid permit and fitness

certificate for the offending vehicle. However, while considering the said breach, the learned Tribunal has rightly found that the offending vehicle was insured with the Appellant/Insurance Company and directed the Insurance Company to satisfy the award amount at the first instance with liberty to recover the same from the respondent No.5 - owner-cum-driver of the offending vehicle. In view of the settled legal position laid down by the Hon'ble Supreme Court in the case of **Amrit Paul Singh & Anr. Vs. Tata AIG General Insurance Company Limited & Ors.**¹ the direction of "pay and recover" issued by the learned Claims Tribunal does not call for any interference. The Insurance Company has failed to make out any ground warranting interference with the impugned award. Accordingly, the appeal preferred by the Insurance Company, being devoid of merit, deserves to be dismissed and is hereby **dismissed**.

6. Records of the Tribunal along with a copy of this judgment be sent forthwith for compliance and necessary action, if any.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

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¹ (2018) 7 SCC 558