(2025) 11 CHH CK 1784

In the Chhattisgarh High Court

Case No : MAC No. 1416 Of 2023

Branch Manager The Oriental Insurance Company Limited APPELLANT

Vs

Chandrakali RESPONDENT

Date of Decision : 03-11-2025

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2025) 11 CHH CK 1784

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Anil Gulati, Samir Singh

Final Decision : Dismissed

Judgement

Sanjay K. Agrawal, J

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the appellant (Insurance Company) challenging the impugned award dated 02/03/2023 passed by learned Additional Motor Accident Claims Tribunal, Bemetara, District Bemetara (C.G.) in Claim Case No. 19/2021, whereby learned Claims Tribunal has awarded a total sum of Rs. 10,30,000/- as compensation to respondents No. 1 to 4/claimants for the death of Krishna Kumar @ Krishna Dehre and the liability of payment of compensation has been fastened upon the appellant (Insurance Company).

2. Learned counsel for the appellant (Insurance Company) would submit that the Claims Tribunal has erred in granting excessive compensation to the claimants as respondent No. 4, being the married daughter of deceased, would not be entitled for any compensation. He would further submit that engine number of the offending vehicle is different in the RC book than what has been mentioned in the insurance policy, as such, the appellant (Insurance Company) ought to have been exonerated from the liability of payment of compensation to the claimants.

3. Learned counsel for respondents No. 5 and 6 would support the impugned

award and submit that the compensation awarded by learned Claims Tribunal is just and proper and does not warrant any interference by this Court.

4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

5. A careful perusal of the written statement filed by the appellant (Insurance Company) before the Claims Tribunal would show that either of the two grounds raised by learned counsel for the appellant herein have not been taken in their written statement filed before the Claims Tribunal and as such, the appellant (Insurance Company) cannot be allowed to take these grounds before this Court for the first time. Even otherwise, after perusing the material available on record, I do not find any merit in the grounds raised by the appellant (Insurance Company).

6. Accordingly, this appeal is liable to be and is hereby dismissed leaving the parties to bear their own cost(s).