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(2025) 12 CHH CK 1692

In the Chhattisgarh High Court

Case No : MAC No. 130 Of 2022

Branch Manager — APPELLANT

Vs

Sujhwanti Bai — RESPONDENT

Date of Decision : 10-12-2025

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2025) 12 CHH CK 1692

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Swati Agrawal, Pankaj Agrawal

Final Decision : Dismissed

Judgement

Sanjay K. Agrawal, J

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 09.09.2021 passed by the learned First Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 696/2019, by which the claim application of the claimants has been allowed and the Claims Tribunal has exonerated the insurance company as the vehicle was being driven in terms of the breach of policy, therefore, applying the principle of first pay & recover directed the insurance company to pay the amount of compensation.

2. Ms. Swati Agrawal, learned counsel appearing for the appellant/ insurance company, would submit that the offending vehicle was being plied without valid & effective driving licence, therefore, the appellant/ insurance company is not liable to pay the amount of compensation and, as such, the impugned award is liable to be set aside.

3. None appeared nor any representation is made on behalf of the respondents despite second round of hearing.

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4. I have heard learned counsel for the appellant/ insurance company, considered her submission made herein-above and gone through the records meticulously.

5. Learned Claims Tribunal in para 21 of the impugned award has clearly recorded a finding that the offending vehicle was being plied without the valid & effective driving licence, therefore, applying the principle of first pay & recover from the owner as propounded in National Insurance Co. Ltd vs Swaran Singh & Ors (2004) 3 SCC 297 fastened the liability upon the appellant/ insurance company and then to recover from the owner of the vehicle. As such, I do not find any merit in this appeal, the same is liable to be and hereby dismissed.

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