



2026:CGHC:15493

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1186 of 2019**

The National Insurance Co. Ltd. Through Its Branch Manager, Branch Office Korba, At Meenu Complex, Main Road, Kosabadi, Korba, Tahsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh

**--- Appellant****Versus**

**1** - Dhaniram Yadav S/o Kuwar Sai Aged About 43 Years R/o Village Banwar, Police Station Katghora, Tahsil Podi Uroda, District Korba Chhattisgarh., District : Korba, Chhattisgarh

**2** - Smt. Kamla Bai W/o Shri Dhaniram Yadav Aged About 41 Years R/o Village Banwar, Police Station Katghora, Tahsil Podi Uroda, District Korba Chhattisgarh. (Claimants), District : Korba, Chhattisgarh

**3** - Rahmuddin Ansari S/o Saduran Ansari Aged About 51 Years R/o Budhwari Bazar (Near Sarswati Mandir School), Police Station Cseb, Tahsil Korba, District Korba Chhattisgarh. Permanent Address - Birbandha, Post Office, Roh, Police Station Garhwa, Tahsil And District Garhwa, Jharkhand. (Driver)

**4** - Mahavir Jain S/o Late Lalchand Jain, R/o Near Old Bus Stand, Korba, Police Station Kotwali, Korba, Tahsil And District Korba Chhattisgarh. (Owner), District : Korba, Chhattisgarh

**--- Respondents****WITH****MAC No. 1187 of 2019**

The National Insurance Co. Ltd. Through Its Branch Manager, Branch Office Korba At Meenu Complex, Main Road Kosabadi, Korba, Tahsil And District- Korba, Chhattisgarh.....(Respdt. No.3), District : Koriya (Baikunthpur), Chhattisgarh

**---Appellant****Versus**

**1** - Smt. Ratni Bai Wd/o Late Pratap Kanwar Aged About 33 Years R/o Village Barraspur, Outpost Jatga, Tahsil Katghora, District- Korba, Chhattisgarh.....(Claimants), District : Korba, Chhattisgarh



- 2** - Ku. Laxmi D/o Late Pratap Kanwar Aged About 11 Years R/o Village Barraspur, Outpost Jatga, Tahsil Katghora, District- Korba, Chhattisgarh.....(Claimants), District : Korba, Chhattisgarh
- 3** - Ku. Sarswati D/o Late Pratap Kanwar Aged About 8 Years R/o Village Barraspur, Outpost Jatga, Tahsil Katghora, District- Korba, Chhattisgarh.....(Claimants), District : Korba, Chhattisgarh
- 4** - Pradeep Singh S/o Pratap Kanwar Aged About 6 Years R/o Village Barraspur, Outpost Jatga, Tahsil Katghora, District- Korba, Chhattisgarh.....(Claimants), District : Korba, Chhattisgarh
- 5** - Sammar Singh S/o Ghasi Singh Aged About 62 Years R/o Village Barraspur, Outpost Jatga, Tahsil Katghora, District- Korba, Chhattisgarh.....(Claimants), District : Korba, Chhattisgarh
- 6** - Rahmuddin Ansari S/o Saduran Ansari Aged About 51 Years R/o Budhwari Bazar (Near Sarswati Mandir School), P.S. Cseb, Tahsil Korba, District- Korba, Chhattisgarh., Premanent Address- Birbandha, Po. Roh, P.S. Garhwa, Tahsil And District- Garhwa, Jharkhand.....(Driver), District : Garhwa \*, Jharkhand
- 7** - Mahavir Jain S/o Late Lalchand Jain Near Old Bus Stand, Korba, P.S. Kotwali, Korba, Tahsil And District- Korba, Chhattisgarh..... (Owner), District : Korba, Chhattisgarh

--- Respondents

*[Cause-title taken from Case Information System (CIS)]*

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For Appellant	:	Mr. Akash Shrivastava, Advocate on behalf of Mr. RN Pusty, Advocate
For Respondent	:	Ms. Bhavika Kotecha, Advocate on behalf of Mr. Parag Kotecha, Advocate

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**Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal**  
**(Order on Board)**

**06.04.2025**

1. Regard being had to the similitude of the question of fact and law involved and being arising out of a common accident, on the joint request of learned counsel for the parties, both these appeals are clubbed together, heard together and being disposed of by this common order.
2. In both the appeals filed under Section 173 of the Motor Vehicles



Act, 1988 (for short the “Act of 1988”) the appellant- Insurance Company is challenging common impugned award dt. 06.03.2019, whereby the claim applications filed by the claimants have been allowed and compensation to the tune of Rs.12,81,172/- and Rs.9,73,379/- has been awarded to them and said amount is held to be payable by the appellant- Insurance Company herein.

**3.** Learned counsel for the appellant would make sole submission that since deceased persons, namely, Rajesh Yadav and Pratap Singh Kavar were traveling as gratuitous passengers in the offending vehicle, whose risk were not covered under the insurance policy. Therefore, the learned Claims Tribunal is absolutely unjustified in fastening the liability to pay the compensation upon the appellant- insurance company. As such, the impugned award is liable to be set aside.

**4.** On the other hand, learned counsel for the respondent would submit that since deceased- Rajesh Yadav was traveling as helper of the offending vehicle, whereas deceased- Pratap Singh Kavar was traveling as representative person authorized by the owner of the goods to monitor safe delivery of the goods, it cannot be said that the deceased persons were traveling as gratuitous passengers in the offending vehicle at the time of accident. As such, the learned Claims tribunal has rightly fastened the liability to pay compensation upon the insurance company more particularly when the factum of deceased persons traveling in the capacity of helper and authorized representative respectively, has been duly proved by the statement of claimant, eye-witness Rajkumar Chouhan and owner of the vehicle-



Mahavir Jain. Hence, both the appeals are liable to be dismissed.

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

6. In the case at hand, though the insurance company only took a plea that the deceased persons were traveling as gratuitous passengers in the offending vehicle at the time of accident and led evidence in shape of statements of officer of RTO, Korba, namely, Sadanand Jagde and officer of the Insurance Company, namely, Arun Kumar Yadav, but both of them did not say at any point of time that deceased persons- Rajesh Yadav and Pratap Singh Kavar were traveling as gratuitous passengers in the offending vehicle at the time of accident. Indeed, owner of the vehicle- Mahavir Jain, has clearly stated that deceased- Rajesh Yadav was traveling as helper of the offending vehicle, whereas deceased- Pratap Singh Kavar was traveling as representative person authorized by the owner of the goods to monitor safe delivery of the goods. Mahavir Jain has been subjected to cross-examination, but nothing could be extracted from him to hold that the deceased persons were traveling as as gratuitous passengers in the offending vehicle at the time of accident. As such, in absence of any evidence to show that at the time of the accident, deceased persons- Rajesh Yadav and Pratap Singh Kavar were traveling as gratuitous passengers in the offending vehicle, the claims tribunal has rightly fastened the liability to pay compensation upon the appellant- Insurance Company. Thus, I do not consider it a fit case



warranting interference in the impugned award dated 06.03.2019, passed by the learned Claims Tribunal, as the findings recorded by the claims tribunal are correct findings of fact based on evidence and same does not suffers from any perversity or illegality.

7. Accordingly, I do not find any merit in both the appeals. It deserve to be and are hereby **dismissed** leaving the parties to bear their own costs.

Sd/-  
**(Sanjay K. Agrawal)**  
Judge

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