



2026:CGHC:17820



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 303 of 2020

1 - Bajaj Allianz General Insurance Company Limited Through Branch Manager, Local Address 3rd Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh. (Insurer Of Offending Motorcycle No. C.G. 12-At-0496). (Insurer),

... Appellant (s)

versus

1 - Radheshyam S/o Harchand Yadav Aged About 50 Years R/o Village Kadri, Police Station Ratanpur, Tahsil And District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh

2 - Mahetarin Bai W/o Radheshyam Yadav Aged About 47 Years R/o Village Kadri, Police Station Ratanpur, Tahsil And District Bilaspur Chhattisgarh. (Claimants), District : Bilaspur, Chhattisgarh

3 - Smt. Surekah Bai Wd/o Late Bedprakash Yadav Aged About 25 Years R/o Village Kadri, Police Station Ratanpur, Tahsil And District Bilaspur Chhattisgarh. (Wife Of Owner Of Deceased Offending Motorcycle No. C.G. 12-At-0496).,

... Respondent(s)



For Appellant (s) : Mr. Raj Awasthi, Advocate.

For Respondent(s) : None.

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/04/2026

1. The appellant/Insurance Company has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act, 1988') calling in question the legality, validity and correctness of the award dated 23.12.2019 passed by the 5th Additional Motor Accident Claims Tribunal, Bilaspur (for short 'the Claims Tribunal') in Claim Case No.436/2018 by which liability to pay compensation of Rs.9,27,200/- has been fastened on the Insurance Company.
2. Mr. Raj Awasthi, learned counsel for the appellant/Insurance Company would submit that driver of the offending vehicle did not have valid and effective driving licence to drive the offending vehicle and, therefore, the liability fastened on the Insurance Company deserves to be aside.
3. None appears for the respondents.
4. I have heard learned counsel for the appellant, considered his submissions made herein-above and went through the records with utmost circumspection.



5. The question for consideration is whether the driver of the offending vehicle had valid driving licence to drive the offending vehicle ?
6. One Aleem Ahmad Khan, Law Officer, has been examined on behalf of the Insurance Company. He has stated that his Company through its Investigator namely, Kanta Gour has sought information regarding driving licence of deceased Vedprakash Yadav under the Right to Information Act and the Public Information Officer, Regional Transport Office, Bilaspur has replied that in view of the incomplete information, document cannot be supplied, and thereafter the Insurance Company did not take further steps to prove that the driver of the offending vehicle did not have valid driving licence to drive the offending vehicle. As such, plea taken by the Insurance Company cannot be accepted, as no effective steps were taken by the Insurance Company to establish the fact that the driver of the offending vehicle did not have valid and effective licence to drive the offending vehicle.
7. In that view of the matter, this Court is of the opinion that the Claims Tribunal was justified in fastening liability on the Insurance Company.
8. For the foregoing, the Appeal fails and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge



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