



2026:CGHC:13733



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 8 of 2020

Branch Manager, United India Insurance Company Limited, Branch Office, Second Floor, Gurukripa Towers, Adjacent To I.C.I.C.I. Bank Vyapar Vihar Road, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh. Through Authorised Signatory, Manager, T.P. Hub, United India Insurance Company Limited, 2nd Floor Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Police Station Civil Line, Tahsil And District Bilaspur, Chhattisgarh.

... Appellant

versus

1 – Kamla, W/o. Pyarelal Seth, Aged About 48 Years, R/o. Village Kukarda, Post Kukarda, Tahsil And District Raigarh, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh, Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh. (Claimant)

2 - Pyarelal Seth, S/o. Alekhram Seth, Aged About 49 Years, R/o. Village Kukarda, Post Kukarda, Tahsil And District Raigarh, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh, Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh. (Claimant)



3 - Minor Ku. Garima Seth, D/o. Alekhram Seth, Aged About 9 Years, Through Guardian Natural Mother Kamla, W/o. Pyarelal Seth, R/o. Village Kukarda, Post Kukarda, Tahsil And District Raigarh, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh, Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh. (Claimant)

4 - Sen Kumar Mahant, S/o. Pitambar Das Mahant, Aged About 34 Years, R/o. Dokarbuda, Post Chharratagar, Tahsil Chharratagar, Police Station Punjipathra, District Raigarh, Chhattisgarh. (Driver Of The Offending Vehicle No. CG 13 Q 0686).

5 - Abhishek Singh, S/o. Shri Rajkishore Singh, R/o. Adjacent To State Bank Of India Raigarh, District Raigarh, Chhattisgarh. (Owner Of The Offending Vehicle No. CG 13 Q 0686).

... Respondents

For Appellant	:	Mr. Priyanshu Gupta, Advocate on behalf of Mr. B.N.Nande, Advocate
For Respondents No.4 & 5	:	Mr. Sahil Sahu, Advocate on behalf of Mr. Ravindra Sharma, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

23.03.2026

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 14.11.2019 passed by the learned Second Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 210/2019, by which the claim application of the claimants has been allowed and liability has been fastened upon the insurance company to pay the amount of compensation.

2. Learned counsel for the appellant/insurance company would submit that the accident occurred on 29.05.2017 at 9:30 A.M. whereas the policy was issued on 29.05.2017 at 2:00 P.M. as per Ex.D-1; therefore, the insurance company is not liable to pay the compensation.
3. Learned counsel appearing for the respondents No.4 & 5 would support the impugned award and submit the the appeal is liable to be dismissed.
4. Heard learned counsel appearing for the parties and gone through the records meticulously.
5. Admittedly, the accident occurred on 29.05.2017 at 9:30 A.M. and the temporary permit was issued to the owner of the vehicle Abhishek Singh for the period from 29.05.2017 to 31.05.2017 and the time of commencement of the policy has not been indicated in the temporary permit Ex.NA2-1. The officer of the insurance company Smt. Manju Dhruv has been examined, however, she has



stated in para 7 that the permit has been issued on 29.05.2017 for three days and the time commences from midnight at 12:00 A.M. and she also admitted that there is some discrepancy in Ex.D-1 & Ex.NA2-1. Since the time of commencement of temporary permit Ex.NA2-1 has not been mentioned, it will start from early morning at 12:01 A.M. In that view of matter, Ex.D-1 cannot be relied upon, as in the temporary permit Ex.NA2-1, time has not been mentioned and therefore the extract of the document cannot be in conflict with the temporary permit, which has been granted and proved vide Ex.NA2-1. In that view of the matter, the Claims Tribunal has rightly fastened the liability upon the insurance company to pay the compensation and, therefore, I do not find any merit in this appeal, the same is liable to be and hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok