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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE HIRDESH**

**ON THE 14<sup>th</sup> OF MAY, 2024**

**MISC. APPEAL No. 775 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO LTD DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

- 1. MAST SHIRISH S/O SHRI BHAGIRATH MINOR  
THROUGH NATURAL GUARDIAN AND NEXT  
FRIEND FATHER BHAGIRATH S/O TUKARAM,  
AGED ABOUT 39 YEARS, OCCUPATION:  
AGRICULTURIST GRAM KASRAVAD TEHSIL  
AND DISTT. BARWANI (MADHYA PRADESH)**
- 2. CHARANDEEP BHATIA S/O RAJENDRASINGH  
BHATIA 57 SIMROL ROAD MHOW TEHSIL AND  
DISTRICT INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 776 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO LTD. DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

- 1. PUJA D/O SHRI GOKUL, AGED ABOUT 19**

**YEARS, OCCUPATION: LABOUR GRAM BARDA  
TEHSIL ANJAD DISTT. BARWANI (MADHYA  
PRADESH)**

2. **CHARANDEEP BHATIA S/O RAJENDRASINGH  
BHATIA 57 SIMROL ROAD MHOW TEHSIL AND  
DISTRICT INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI SHYAMLAL PATIDAR- ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDEN NO.2)*

**MISC. APPEAL No. 777 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO. LTD. DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. **RADHESHYAM S/O DEVISINGH, AGED ABOUT  
35 YEARS, OCCUPATION: LABOUR GRAM  
BARDA TEHSIL ANJAD DIST BARWANI  
(MADHYA PRADESH)**
2. **CHARANDEEP BHATIA S/O SHRI RAJENDRA  
SINGH BHATIA 57, SIMROL RAOD MHOW  
TEHSIL AND DISTRICT INDORE (MADHYA  
PRADESH)**

**.....RESPONDENTS**

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 778 of 2016**

**BETWEEN:-**

**H.D.F.C. ERGO GENERAL INSURANCE CO. LTD. D.M.  
TOWER, 2ND FLOOR, FLAT NO. 205-206,  
JANJEERWALA CHOURAHA, INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. SHYANA S/O HEERA OCCUPATION: LABOUR  
KASRAWAD, TEHSIL AND DISTRICT BARWANI  
(MADHYA PRADESH)
2. CHARANDEEP BHATIA S/O RAJEDNRA SINGH  
BHATIA 57 SIMROL ROAD TEHSIL AND  
DISTRICT INDORE (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 779 of 2016**

**BETWEEN:-**

HDFC ERGO GENERAL INSURANCE CO. LTD. DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)

.....APPELLANT

*(BY SHRI SUDHIR DANDWATE- ADVOCATE)*

**AND**

1. KU NISHA D/O SUKHDEV MINOR THROUGH  
NATURAL GUARDIAN AND NEXT FRIEND  
FATHER SUKHDEV S/O SHRI DEVISINGH, AGED  
ABOUT 35 YEARS, OCCUPATION: LABOUR  
GRAM BARDA TEHSIL ANJAD DIST BARWANI  
(MADHYA PRADESH)
2. CHARANDEEP BHATIA S/O SHRI RAJENDRA  
SINGH BHATIA 57, SIMROL ROAD MHOW TEH  
AND DISTT INDORE (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 780 of 2016**

**BETWEEN:-**

HDFC ERGO GENERAL INSURANCE CO. LTD. DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)

.....APPELLANT

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. SMT SHANTI W/O AMRITLAL, AGED ABOUT 25 YEARS, OCCUPATION: LABOURER GRAM KASRAWAD TEHSIL AND DIST. BARWANI (MADHYA PRADESH)
2. CHARANDEEP BHATIA S/O SHRI RAJENDRA SINGH BHATIA 57, SIMROL ROAD MHOW TEH AND DISTT INDORE (MADHYA PRADESH)

**.....RESPONDENTS**

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 781 of 2016**

**BETWEEN:-**

HDFC ERGO GENERAL INSURANCE CO. LTD. DM TOWER 2ND FLOOR FLAT NO. 205-206 JANJEERWALA CHOURAHA INDORE (MADHYA PRADESH)

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. SMT BASUBAI W/O GOVIND, AGED ABOUT 40 YEARS, OCCUPATION: LABOUR GRAM BARDA TEHSIL ANJAD DIST BARWANI (MADHYA PRADESH)
2. CHARANDEEP BHATIA S/O SHRI RAJENDRASINGH BHATIA 57, SIMROL RAOD MHOW TEH AND DISTT INDORE (MADHYA PRADESH)

**.....RESPONDENTS**

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 782 of 2016**

**BETWEEN:-**

H.D.F.C. ERGO GENERAL INSURANCE CO. LTD. D.M. TOWER, 2ND FLOOR, FLAT NO. 205-206,

**JANJEERWALA CHOURAHA, INDORE (MADHYA PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. **GOKUL S/O KISHAN, AGED ABOUT 60 YEARS, OCCUPATION: FISHERY GRAM KASRAWAD, TEHSIL AND DISTRICT BARWANI (MADHYA PRADESH)**
2. **CHARANDEEP BHATIA S/O SHRI RAJENDRA SINGH BHATIA 57, SIMROL RAOD MHOW TEH AND DISTT INDORE Q (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 783 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO. LTD. DM TOWER 2ND FLOOR FLAT NO. 205-206 JANJEERWALA CHOURAHA INDORE (MADHYA PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. **MASTER VIKRAM S/O LATE GOVIND MINOR THROUGH NATURAL GUARDIAN MOTHER SUMAN BAI W/O LATE GOVIND, AGED ABOUT 45 YEARS, GRAM BARDA TEHSIL ANJAD DIST BARWANI (MADHYA PRADESH)**
2. **CHARANDEEP BHATIA S/O SHRI RAJENDRASINGH BHATIA 57, SIMROL RAOD MHOW TEH AND DISTT INDORE Q (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI KAILASH CHANDRA YADAV – ADVOCATE FOR RESPONDENT NO.1)*

*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 784 of 2016**

**BETWEEN:-**

**H.D.F.C. ERGO GENERAL INSURANCE CO. LTD. D.M. TOWER, 2ND FLOOR, FLAT NO. 205-206, JANJEERWALA CHOURAHA, INDORE (MADHYA PRADESH)**

**.....APPELLANT**

***(BY SHRI SUDHIR DANDWATE – ADVOCATE)***

**AND**

- 1. MOHAN S/O SHRI TIKAM KAHAR, AGED ABOUT 48 YEARS, OCCUPATION: LABOUR GRAM BARDA, TEHSIL ANJAD DISTRICT BARWANI (MADHYA PRADESH)**
- 2. CHARANDEEP BHATIA S/O SHRI RAJENDRASINGH BHATIA 57, SIMROL ROAD MHOW TEH AND DISTT INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI SHYAMLAL PATIDAR – ADVOCATE FOR RESPONDENT NO.1)***

***(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)***

**MISC. APPEAL No. 785 of 2016****BETWEEN:-**

**H.D.F.C. ERGO GENERAL INSURANCE COMPANY LTD. D.M. TOWER, 2ND FLOOR, FLAT NO. 205-206, JANJEERWALA CHOURAHA, INDORE (MADHYA PRADESH)**

**.....APPELLANT**

***(BY SHRI SUDHIR DANDWATE – ADVOCATE)***

**AND**

- 1. SANTOSH S/O GOVIND, AGED ABOUT 25 YEARS, OCCUPATION: FISHERY GRAM BARDA, TEHSIL ANJAD, DISTRICT BARWANI (MADHYA PRADESH)**
- 2. CHARANDEEP BHATIA S/O SHRI RAJENDRASINGH BHATIA 57, SIMROL ROAD MHOW TEH AND DISTT INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

*(SHRI KAILASH CHANDRA YADAV – ADVOCATE FOR RESPONDENT NO.1)*  
*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 786 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO. LTD. DM  
TOWER 2ND FLOOR FLAT NO. 205-206  
JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. **SUKHDEV S/O DEVISINGH, AGED ABOUT 35  
YEARS, OCCUPATION: LABOUR GRAM BARDA  
TEHSIL ANJAD DIST BARWANI (MADHYA  
PRADESH)**
2. **CHARANDEEP BHATIA S/O SHRI  
RAJENDRASINGH BHATIA 57, SIMROL ROAD  
MHOW TEHSIL AND DISTT INDORE (MADHYA  
PRADESH)**

**.....RESPONDENTS**

*(SHRI KAILASH CHANDRA YADAV – ADVOCATE FOR RESPONDENT NO.1)*  
*(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)*

**MISC. APPEAL No. 788 of 2016**

**BETWEEN:-**

**HDFC ERGO GENERAL INSURANCE CO. LTD. NOT  
MENTIONED DM TOWER 2ND FLOOR FLAT NO. 205-  
206 JANJEERWALA CHOURAHA INDORE (MADHYA  
PRADESH)**

**.....APPELLANT**

*(BY SHRI SUDHIR DANDWATE – ADVOCATE)*

**AND**

1. **BHURU S/O CHUNNILAL, AGED ABOUT 21  
YEARS, OCCUPATION: FISHERY GRAM  
KASRAWAD TEHSIL AND DIST. BARWANI  
(MADHYA PRADESH)**
2. **CHARANDEEP BHATIA S/O RAJEDNRASINGH**

**BHATIA 57 SIMROL ROAD MHOW TEHSIL AND  
DISTRICT INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

**(SHRI SHYAMLAL PATIDAR– ADVOCATE FOR RESPONDENT NO.1)**

**(SHRI HEMANT KUMAR VAISHNAV – ADVOCATE FOR RESPONDENT NO.2)**

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*These appeals coming on for orders this day, the court passed the following:*

**ORDER**

The aforesaid appeals are being disposed of by this common order as they arise out of the same award.

2. These appeals have been filed under Section 173(1) of Motor Vehicles Act, 1988 by the Insurance Company against the award dated 29.02.2016 passed by Ist Additional Member, MACT, Barwani in Claim Case Nos.57, 58, 62, 69, 60, 59, 70, 66, 67, 63, 68, 61 and 65 of 2013.

3. These appeals have been filed by the appellant/Insurance Company challenging the liability on the ground that the insured vehicle was being driven by one Asharam, but since he did not possess a driving license, the insured Charandeep showed himself as driver. During the pendency of the appeals, the parties have settled the dispute and they pray that these appeals may be disposed of in terms of the settlement arrived and signed by the counsel for the parties i.e. Insurance Company, claimant and owner.

4. In view of the aforesaid, the appellant/Insurance Company accepts the liability and would pay the sum to the claimant in the appeals as mentioned below in addition to the amount already deposited by the appellant in full and final settlement in the following terms:-

<b>S.No.</b>	<b>Misc. Appeals</b>	<b>Claimants</b>	<b>Amount</b>
1.	M.A.No.775/2016	Mast.Shirish	Rs.49,012/-
2.	M.A.No.776/2016	Puja	Rs.51,507/-
3.	M.A.No.777/2016	Radheshyam	Rs.12,361/-



4.	M.A.No.778/2016	Shyana	Rs.10,150/-
5.	M.A.No.779/2016	Ku.Nisha	Rs.31,676/-
6.	M.A.No.780/2016	Smt.Shanti	Rs.55,601/-
7.	M.A.No.781/2016	Smt.Basubai	Rs.10,150/-
8.	M.A.No.782/2016	Gokul	Rs.12,361/-
9.	M.A.No.783/2016	Mast.Vikram	Rs.10,150/-
10.	M.A.No.784/2016	Mohan	Rs.46,826/-
11.	M.A.No.785/2016	Santosh	Rs.12,180/-
12.	M.A.No.786/2016	Sukhdev	Rs.45,695/-
13.	M.A.No.788/2016	Bhuru	Rs.46,356/-

B. The balance amount be deposited by the appellant/Insurance Company within two months from the date of receipt of certified copy of this order.

C. Failure to deposit the balance amount within two months, the amount shall bear interest at the same rate as awarded by the Tribunal. The other terms and conditions of the award shall remain intact.

With the aforesaid the appeals are disposed of. Let a copy of this order be placed in the record of all connected appeals.

**(HIRDESH)  
JUDGE**

RJ