



2026:CGHC:14791



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 168 of 2019

1 - Branch Manager, Choramandalam General Insurance Company 2nd Floor Simaran Tower, In Front Of L I C Building, Pandri Raipur, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

--- Appellant

versus

1 - Smt. Pushpa Kujur W/o Late Alok Kujur Aged About 38 Years R/o Fundurdihari, Bichpara, Ward No. 8, P.S. Gandhinagar, Ambikapur, District Surguja, Chhattisgarh (Claimant), District : Surguja (Ambikapur), Chhattisgarh

2 - Abhijit Kujur S/o Late Alok Kujur Aged About 11 Years Minor They Are Through Their Mother Smt. Pushpa Kujur W/o Late Alok Kujur, R/o Fundurdihari, Bichpara, Ward No. 8, P.S. Gandhinagar, Ambikapur, District Surguja, Chhattisgarh (Claimant), District : Surguja (Ambikapur), Chhattisgarh

3 - Pranay Kujur S/o Late Alok Kujur Aged About 8 Years Minor They Are Through Their Mother Smt. Pushpa Kujur W/o Late Alok Kujur, R/o Fundurdihari, Bichpara, Ward No. 8, P.S. Gandhinagar, Ambikapur, District Surguja, Chhattisgarh (Claimant), District : Surguja (Ambikapur), Chhattisgarh

4 - Sanjay Ekka S/o Biran Ram Ekka Aged About 22 Years R/o Village Sarganva, Police Station And Tahsil Balrampur, District Balrampur, Chhattisgarh, District : Balrampur, Chhattisgarh

5 - Shivchand Verma S/o Arjun Prasad Bunkar Aged About 40 Years R/o In Bake Side Deyari Form Gandhinagar, Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh



--- Respondent(s)

MAC No. 179 of 2019

1 - Branch Manager, Chalamandalam General Insurance Company 2nd Floor Simaran Tower ,in Front Of Lic Building ,padri ,raipur ,raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Appellant

Versus

1 - Smt. Dorothipa Toppo W/o Philmon Toppo Aged About 51 Years R/o Fudrudihari, Beechpara ,ward No. 8, Ambikapur ,police Station Gandhinagar ,tahsil Ambikapur District Surguja Chhattisgarh.(Claimant), District : Surguja (Ambikapur), Chhattisgarh

2 - Sanjay Ekka S/o Biran Ram Ekka Aged About 22 Years Occupation Driver ,r/o Village Sarganva, Police Station And Tehsil Balrampur District Balrampur Chhattisgarh.(Driver), District : Balrampur, Chhattisgarh

3 - Shivchand Verma S/o Arjun Prasad Bunkar Aged About 40 Years R/o In Bake Side Deyari Form Gandhinagar ,ambikapur ,district Surguja Chhattisgarh.(Owner), District : Surguja (Ambikapur), Chhattisgarh

--- Respondent(s)

MAC No. 227 of 2019

1 - Branch Manager, Chalamandalam General Insurance Company 2nd Floor Simaran Tower, In Front Of Lic Building, Pandri Raipur District Raipur Chhattisgarh(Insurer), District : Raipur, Chhattisgarh

--- Appellant

Versus

1 - Smt. Dorothipa Toppo W/o Philmon Toppo Aged About 51 Years R/o Fundrudihari-Beechpara Ward No. 8 Ambikapur, P. S. Gandhinagar Tehsil Ambikapur District Surguja ChhattisgarhClaimant, District : Surguja (Ambikapur), Chhattisgarh

2 - Sanjay Ekka S/o Biran Ram Ekka Aged About 22 Years Occupation Driver R/o Village Sarganva, P. S. And Tahsil Balrampur, District Balrampur Chhattisgarh.....Driver, District : Balrampur, Chhattisgarh



3 - Shivchand Verma S/o Arjun Prasad Bunkar Aged About 40 Years R/o In Bake Side Deyari Form Gandhinagar, Ambikapur, District Surguja Chhattisgarh.....Owner, District : Surguja (Ambikapur), Chhattisgarh

-- Respondent(s)

For Appellant	:	Shri Ghanshyam Patel, Advocate.
For Respondent No.1 in MAC Nos.179/2019 & 227/2019	:	Shri Govind Dewangan, Advocate.
For Respondent Nos.2 & 3 as also for Respondent No.4 in MAC No. 168 / 2019.	:	Shri Shakti Raj Sinha, Advocate.

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/03/2026

1. Since all the three Appeals and the Cross-Appeals filed in MAC No.179/2019 & 227/2019 arise out of same accident, they are clubbed together, heard together and are being disposed of by this common order.
2. The appellant/Insurance Company has preferred these Appeals 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 14.9.2018 passed by the 3rd Additional Motor Accident Claims Tribunal, Ambikapur, District Surguja (for short 'the Claims Tribunal') in Claim Case Nos.190/2016, 155/2017 & 156/2017 by which liability to pay compensation of Rs.44,34,820/-,



Rs.16,53,400/- & Rs.2,74,420/- respectively, has been fastened on the Insurance Company.

3. Mr. Ghanshyam Patel, learned counsel for the appellant would submit that the appellant has challenged the liability on the ground that the offending vehicle was private vehicle and was being plied for commercial purposes on hire, therefore, the Insurance Company is not liable to pay compensation.
4. On the other hand, being an injury and death case, the claimants/injured have preferred cross-objection seeking enhancement of compensation vide MAC Nos.179/2019 & 227/2019.
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. Though the Insurance Company has taken a plea that the offending vehicle was being used for commercial purpose on hire, however, the Insurance Company has examined owner of the vehicle namely, Shiv Chandra Verma, who has clearly stated that he had handed over the vehicle to Alok Kujur, who was his friend, as his vehicle had suffered mechanical fault. However, he had not taken any rent. In that view of the matter, the Claims Tribunal has recorded a finding that breach of policy has not been established.



7. After hearing learned counsel for the parties and after going through the record and in view of the contradictory statement of Shiv Chandra Verma, I do not find any merit in these Appeals, which deserves to be and are hereby dismissed

Cross-objection in MAC No.179/2019

8. Heard on IA No.4, application for condonation of delay in filing the cross-objection/appeal.
9. For the reasons mentioned in the application, it is allowed and delay in filing the cross-objection/appeal is condoned.
10. In the instant case, the Claims Tribunal has assessed the income of the deceased at ₹4,500/- whereas the income should have been assessed at Rs.6107/- per month. Considering the facts and circumstances of the case and that the present is a death case, it would be appropriate to enhance award amount under the heads of loss of income, loss of consortium and loss of estate. As such, the claimant will be entitled for the following compensation as computed by this Court:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Loss of income	A. Rs. 4500 x 12 = 54,000 B. 40%, Rs.1800/- C. Multiplier 18 D. 50% Deduction = 6,80,000/-	A. Rs.6107x12 = 73,284/- B. After adding 40%, Rs. 1,02,597/- C. Multiplier applied 18,



			Rs.9,23,378/-
2.	Medicine & Travel	Rs.8,98,000/-	Rs.8,98,000/-
3.	For attendant	Rs.20,000/-	Rs.20,000/-
4.	Transportation	Rs.15,000/-	Rs.15,000/-
5.	Funeral	Rs.15,000/-	Rs.15,000/-
6.	Nutritious Food expenses	Rs.10,000/-	Rs.10,000/-
7.	Loss of consortium		Rs.44,000/-
8.	Loss of estate	Rs.15,000/-	Rs.18,000/-
	Grand Total	Rs.16,53,400/-	Rs.19,43,378/-

11. In view of the aforesaid analysis, the amount of compensation of **₹16,53,400/-** awarded by the Claims Tribunal is enhanced to **₹19,43,378/-**. Hence, after deducting the amount of **₹16,53,400/-**, the claimant is held to be entitled to an additional amount of **₹2, 89, 978/-**. The Insurance Company is directed to deposit the amount of compensation within a period of three months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal till its realization. It is made clear that since the delay in filing the cross-objection has already been condoned, the claimant would not be entitled for interest of the interregnum period. Rest of the conditions of the impugned award shall remain intact.

Cross-objection in MAC No.227/2019



12. Heard on IA No.4, application for condonation of delay in filing the cross-objection/appeal.
13. For the reasons mentioned in the application, it is allowed and delay in filing the cross-objection/appeal is condoned.
14. In the instant case, the Claims Tribunal has awarded a meagre compensation of Rs.15,000/- towards Attendant, Rs.10,000/- towards nutritional food, Rs.10,000/- towards transportation and Rs.10,000/- towards pain and suffering. Considering the facts and circumstances of the case and that in the present case, claimant received serious injuries on her head, it would be appropriate to enhance award amount under the heads of attendant, nutritional food, transportation and pain & suffering. As such, the claimant will be entitled for the following compensation as computed by this Court:-

Sr. No.	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Medical expenses	Rs.2,29,420/-	Rs.2,29,420/-
2.	For attendant	Rs.15,000/-	Rs.30,000/-
3.	Towards nutritional food	Rs.10,000/-	Rs.20,000/-
4.	For Transportation	Rs.10,000/-	Rs.15,000/-
5.	For Pain and Suffering	Rs.10,000/-	Rs.30,000/-
	Grand Total	Rs.2,74,420/-	Rs.3,24,420/-



15. In view of the aforesaid analysis, the amount of compensation of Rs.2,74,420/- awarded by the Claims Tribunal is enhanced to Rs.3,24,420/-. Hence, after deducting the amount of Rs.2,74,420/-, the claimant/injured is held to be entitled to an additional amount of **Rs.50,000/-**. The Insurance Company is directed to deposit the amount of compensation within a period of three months from the date of receipt of copy of this order. The additional amount of compensation shall carry interest @ 6% *per annum* from the date of filing of claim application before the Tribunal till its realization. It is made clear that since the delay in filing the cross-objection has already been condoned, the claimant/injured would not be entitled for interest of the interregnum period. Rest of the conditions of the impugned award shall remain intact.
16. In the result, the Appeals preferred by the Insurance Company are dismissed and the Cross-objections are allowed to the extent indicated above.

Sd/-
(Sanjay K. Agrawal)
Judge