



2026:CGHC:14328

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 478 of 2019**

- The Oriental Insurance Company Limited, Division Office 1, Post Box 49, Medical College Road, Kachheri Chowk Raipur, District Raipur, Chhattisgarh. (Insurer Of Offending Vehicle Hero Honda No. C.G. -11 C.A. 3698).

... Appellant**versus**

1. Sukawara Wd/o Late Kishram, Aged About 40 Years, Caste – Satnami;
2. Ku. Rajni D/o Late Kishram, Aged About 20 Years, Caste – Satnami;
3. Rajesh S/o Late Kishram, Aged About 18 Years, Caste – Satnami;
4. Minor Ku. Rashmi D/o Late Kishram, Aged About 17 Years, Caste Satnami;
5. Minor Ritesh S/o Late Kishram, Aged About 16 Years, Caste Satnami;
6. Minor Ku. Rani D/o Late Kishram, Aged About 15 Years, Caste Satnami;
Respondents No.4 to 6 Minor, Through Natural Guardian Mother Sukwara Bai, Wd/o Late Kishram;
7. Bhuri Bai Wd/o Late Samaru, Aged About 66 Years, Caste - Satnami,



All are R/o Village Balpur, Tahsil Bilaigarh, District Baloda Bazar - Bhatapara Chhattisgarh. (Claimants)

8. Shyam Sundar Satnami S/o Shriram Satnami, R/o Village Parsadih, Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh. (Owner Of Offending Vehicle Hero Honda No. C.G. - 11 C.A. 3698).

... Respondents

For Appellant :- Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate.

For Respondents :- None.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Judgment On Board

25.03.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the appellant/Insurance Company calling in question the legality, validity and correctness of the impugned award dated 27.10.2018 passed by the Motor Accident Claims Tribunal, Balodabazar, District Balodabazar, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 91/2017 whereby learned Claims Tribunal has allowed the claim application of the claimants and awarded a sum of ₹8,54,800/- as compensation along with interest to the claimants by fastening the liability upon the appellant herein.



2. Ms. Swati Agrawal, learned counsel for the appellant/Insurance Company, would submit that compensation awarded under Section 163-A of the Act of 1988 is in the higher side it should confine to the ₹5,00,000/- in light of amended Second Schedule of Section 163-A of the Act of 1988 which came into effect from 22.05.2018 and the deceased was the driver and did not have a valid and effective driving license to drive the vehicle.
3. None for the respondents/claimants though served.
4. I have heard learned counsel for the appellant and gone through the records precisely.
5. The Claims Tribunal has clearly recorded a finding that the offending vehicle was not being plied in breach of terms and conditions of the insurance policy as the Insurance Company has failed to prove that the driver did have forged and ineffective driving license to drive the offending vehicle. The accident in the present occurred much prior to the amendment made in the Second Schedule of Section 163-A of the Act of 1988 i.e. 16.12.2010. The Claims Tribunal taken the yearly income of the deceased is ₹40,320/- which is slightly higher than the income which



is fixed under this Schedule ₹40,000/- and reached to the conclusion that the claimants are entitled for compensation amount to the tune of ₹8,54,800/-.

6. Since the accident occurred much prior to the amended Second Schedule of Section 163-A of the Act of 1988 i.e. 16.12.2010 and the said Schedule came into effect from 22.05.2018, the compensation awarded by the Claims Tribunal neither in the higher side nor it deserves to be reduced to ₹5,00,000/-. In that view matter, I do not find any merit in the instant appeal, accordingly, the same is dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit