



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 647 of 2026SBI GENERAL INSURANCE COMPANY **versus** KU. GEETANJALI SAHU**Order Sheet**

08th May 2026	Mr. K.P.S. Gandhi, counsel for the appellant. Mr. Khilendra Sahu, counsel for respondent no.1. Heard on I.A.No.1/2026 for staying the effect and operation of the impugned award and its execution thereof. Learned counsel for the appellant argues that the proviso to Section 149(4) of the Motor Vehicles Act, 1988, which allowed "pay and recover" in case of policy breach, was deleted by Motor Vehicles (Amendment) Act, 2019 which came into effect on 01.04.2022. However, the Tribunal has fastened the liability on the insurer even though there is a finding that the offending vehicle did not have a valid permit at the time of incident. Per contra, learned counsel for respondent no.1 relying on a decision of High Court of Madras in Branch
--	---

Rao	<i>Manager SBI versus Muthulakshmi 2025: MHC: 991 or 2025 Supreme (Mad) 2571</i> contends that "pay and recover" is a principle of beneficial legislation designed to protect third-party victims, which cannot be over-looked. He submits that at the time of incident, the offending vehicle was insured with the appellant. Having considered the submissions made by learned counsel for the parties and on perusal of the impugned award, I am not inclined to grant stay. Accordingly, I.A.No.1 is rejected. Since the appeal has already been admitted for hearing, list the case for final hearing in the month of August, 2026. Sd/- (Sanjay Kumar Jaiswal) Judge
-----	--