



2026:CGHC:12936



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No. 743 of 2026

Rakesh Tiwari, S/o Ramsevak Tiwari, aged about 56 years, R/o Pratapganjpara, Jagdalpur, District- Bastar (C.G.) (Claimant)

--- Appellant

Versus

1 - Swadeep Tiwari, S/o Ramdarash Tiwari, aged about 30 years, R/o Near Maharshi Ashram Hatkachora Ward No. 30, Jagdalpur, District- Bastar (C.G.) (Driver)

2 - Vidhan Mandal, S/o Vishnu

Mandal, aged about 32 Years, R/o Taraipara Abdulkalam Ward Hatkachora Jagdalpur, District- Bastar (C.G.) (Owner)

3 - The United India Insurance Company Ltd., Through Branch Manager, Anupama Chowk Jagdalpur, District- Bastar (C.G.) (Insurance Company)

--- Respondents

For Appellant : Shri Shikhar Shukla, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

18/03/2026

1. Heard on I.A. No. 01/2025 application for condonation of delay in filing the appeal.
2. On due consideration and for the reasons stated in the application, it is allowed and delay of 38 days in filing the appeal is hereby condoned.
3. Heard on Admission.
4. This appeal under Section 173 of Motor Vehicles Act, 1988 (for short 'MV Act') has been filed by the appellant / claimant, being aggrieved by the award dated 31/10/2025 passed by II Additional Motor Accident Claims Tribunal (for short 'Tribunal'), Bastar place Jagdalpur (C.G.) in Claim Case No.262/2022.
5. By the impugned award, against a claim of Rs. 25,00,000/-, the learned



Tribunal has awarded compensation of Rs.99,117/- along-with interest in favour of the appellant / claimant on account of the injuries sustained by him in an accident that occurred on 21/05/2022 by rash and negligent driving of the offending vehicle Car bearing registration No. CG/08/AA-8191, driven by respondent No. 1 / driver, owned by respondent No. 2 / owner and insured with respondent No.3 / Insurance Company.

6. As per the pleadings in the claim application filed under Sections 166 and 140 of the Motor Vehicles Act, the appellant, after attending a marriage function along with his family members, was returning home while seated in the offending vehicle. When they reached near Village - Lapta, District Anuppur, the driver of the offending vehicle, driving in a rash and negligent manner, lost control and caused the vehicle to overturn (turn turtle), resulting into severe injuries to the appellant.
7. The claim application was resisted by the respondents on various grounds including respondent No. 3 / Insurance Company taking a plea that the driver of the offending vehicle was not holding valid and effective driving license and there is a violation of the terms and conditions of the Insurance Policy. Hence it may be exonerated.
8. The learned Tribunal framed as many as five issues and decided the same in favour of the appellant / claimant and awarded the above stated compensation by the impugned award.
9. Learned counsel for the appellant submits that the amount of compensation is on lower side. A meagre amount has been granted under the head of non-pecuniary loss. Thus amount of compensation may be enhanced.
10. I have heard the learned counsel for the appellant and also perused the record.
11. Perusal of the award impugned indicate that there is no documentary evidence with regard to any permanent disability has been filed. The learned



Claims Tribunal on the basis of evidence available on record found that some injury have been sustained to the appellant and paid the medical expenses. It has been submitted by Shri Shukla, Advocate that no bone injury was caused to the appellant. The learned Claims Tribunal taking into consideration in all aspects of the matter awarded Rs. 45,917/- for treatment, Rs.40,000/- for physical and mental agony, nutrition and future treatment and further awarded Rs.13,200/- for transportation and thus total amount of compensation was Rs.99,117/-. In the opinion of the Court, particularly when there is no bone injury to the appellant and no permanent disability to the appellant, the amount of compensation awarded by the learned Claims Tribunal cannot be said to be meagre. This appeal fails and dismissed at the admission stage itself.

Sd/

(Sachin Singh Rajput)
Judge