



2025:CGHC:39899



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 992 of 2017

1 - Chola Mandalam M.S. General Insurance Company Limited
Through Regional Manager, Simran Towers, In Front Of L.I.C. Office,
Pandri, Raipur, District Raipur, Chhattisgarh Insurer Of Tractor-
Trolley Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759,
Chhattisgarh. **--- Appellant(s)**

versus

1 - Kawalram Markande S/o Shri Samdas Markande, Aged About 50
Years R/o Village Bakhat Rangkathera, Thana Lalbag, District
Rajnandgaon, Chhattisgarh Claimant, Chhattisgarh.

2 - Nareshdas Sahu S/o Shri Nemdas Sahu, Aged About 40 Years R/o
Village Kalkasa, Thana Dongargarh, Tahsil Dongargarh, District
Rajnandgaon, Chhattisgarh Driver Of Tractor-Trolley
Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759, District :
Rajnandgaon, Chhattisgarh.



3 - Nemdas Sahu S/o Shri Gurdas Sahu, Aged About 59 Years R/o Village Kalkasa, Thana Dongargarh, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh Owner Of Tractor-Trolley Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759, District : Rajnandgaon, Chhattisgarh.

--- Respondent(s)

For Appellant(s)	:	Mr. Harshmander Rastogi, Advocate on behalf of Mr. N.K. Thakur, Advocate.
For Respondent(s) No. 1	:	Mr. Sumit Shrivastava, Advocate.
For Respondent No. 2 & 3	:	None.

MAC No. 1328 of 2018

1 - Kawalram Markandey S/o Shri Samdas Markandey Aged About 50 Years R/o Villagge Bakhat Rangkathera, P.S. Lalbag, Tahsil And District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---Appellant(s)

Versus

1 - Nareshdas Sahu S/o Nemdas Sahu Aged About 40 Years R/o Village- Kalkasa, P. S. And Tahsil Dongergarh, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

2 - Nemdas Sahu S/o Shri Gurudas Sahu Aged About 59 Years R/o Village Kalkasa P.O. And Tahsil Dongergarh, District Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh.



3 - Choramandalam M.S. General Insurance Co. Ltd. Through Regional Manager, Simran Towers, In Front Of L.I.C. Office, Pandari Raipur, Tahsil And District Raipur Chhatisgarh, District : Raipur, Chhattisgarh

--- Respondent(s)

For Appellant(s)	:	Mr. Rakesh Kumar Thakur, Advocate.
For Respondent(s) No. 1 & 2	:	Mr. Abhishek Sharma, Advocate.
For Respondent No. 3	:	Mr. Harshmander Rastogi, Advocate on behalf of Mr. N.K. Thakur, Advocate.

MAC No. 986 of 2017

1 - Chola Mandalam M.S. General Insurance Company Limited Through Regional Manager, Simran Towers, In Front Of L.I.C. Office, Pandri, Raipur, District Raipur, Chhattisgarh Insurer Of Tractor-Trolley Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759, Chhattisgarh.

---Appellant(s)

Versus

1 - Roshan Lal Sinha S/o Shri Kalaram Sinha, Aged About 32 Years R/o Village Bakhat Rangkathera, Thana Lalbag, District Rajnandgaon, Chhattisgarh Claimant, Chhattisgarh.

2 - Nareshdas Sahu S/o Shri Nemdas Sahu, Aged About 40 Years R/o Village Kalkasa, Thana Dongargarh, Tahsil Dongargarh, District



Rajnandgaon, Chhattisgarh Driver Of Tractor-Trolley
Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759, District :
Rajnandgaon, Chhattisgarh.

3 - Nemdas Sahu S/o Shri Gurdas Sahu, Aged About 59 Years R/o
Village Kalkasa, Thana Dongargarh, Tahsil Dongargarh, District
Rajnandgaon, Chhattisgarh Owner Of Tractor-Trolley
Registration No. C.G.08 P 1891 And C.G.08 Z Q 5759, District :
Rajnandgaon, Chhattisgarh.

--- Respondent(s)

For Appellant(s)	:	Mr. Harshmander Rastogi, Advocate on behalf of Mr. N.K. Thakur, Advocate.
For Respondent No. 1	:	Mr. Sumit Shrivastava, Advocate.
For Respondent(s) No. 2 & 3	:	None.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

08/08/2025

1. All the appeals are arising out of one accident, in which one award dated 3.4.2017 has been passed. **MAC Nos. 992 of 2017 and 986 of 2017** are **insurer's** appeal and **MAC No. 1328 of 2018** is **claimants'** appeal against the award dated 3.4.2017 passed by the learned Motor Accident Claims Tribunal,



Rajnandgaon (C.G.) in Claim Case Nos. 74/2015, 73/2015 and 74/2015 respectively.

MAC No. 992/2017

2. Brief facts of the case, is that, respondent No. 1 had filed a claim application under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs. 21.85 lakhs on account of bodily injuries sustained by him in a road accident which occurred on 21.01.2015. The respondent Nos. 2 and 3 were the driver and owner, respectively, of the Tractor-Trolley bearing registration Nos. CG-08 P-1891 and CG-08-20-5759 (hereinafter referred to as the “offending vehicle”), and the appellant was the insurer of the said vehicle. As per the claim application, it was alleged that on 21.01.2015 at about 5:30 p.m., while the respondent No. 1 was returning from village Bundeli to his village Bakhat Rangkather on a motorcycle, near Muktidham, respondent No. 2 drove the offending vehicle in a rash and negligent manner and dashed into the motorcycle, as a result of which respondent No. 1 sustained grievous injuries on his right leg and other parts of his body. He was initially admitted to the Government Hospital, Rajnandgaon, thereafter referred to Shriram Hospital, Rajnandgaon, where he remained admitted for 15 days, and subsequently shifted to B.M. Shah Hospital and Research Centre, Bhilai, where his right leg had to be amputated above the



knee. The accident was reported to the concerned police station, and a criminal case was registered against respondent No. 2. Respondent No. 1, who claimed to be a carpenter earning Rs. 12,000/- per month, sought compensation to the tune of Rs. 21.85 lakhs under various heads. Notices were issued to the respondents and the appellant. Respondents Nos. 2 and 3 have filed their written statement admitting that the offending vehicle was insured with the appellant and that respondent No. 1 was holding a valid and effective driving license. The appellant filed its written statement denying the allegations, disputing the profession and income of respondent No. 1, and further contending that respondent No. 1 himself was liable for the accident, that the owner/insurer of the motorcycle was a necessary party, and that respondent No. 2 did not hold a valid driving license, besides the offending vehicle being used in contravention of policy conditions. The learned Tribunal framed issues on the basis of the pleadings, and after appreciating the evidence, documents, and materials on record, decided the issues against the appellant and passed the award, which the appellant contends is bad in law, excessive, and without proper material. It is submitted that respondent No. 1 failed to prove rash and negligent driving on the part of respondent No. 2, and the findings regarding the involvement of the offending vehicle and



negligence are erroneous in law. The Tribunal failed to conduct proper inquiry as mandated under Sections 168 and 169 of the Motor Vehicles Act read with the Chhattisgarh Motor Vehicles Rules, 1994. Though the Act is a beneficial piece of legislation, the Tribunal cannot overlook the basic principles of law in determining liability, quantum of compensation, and proof of negligence. An application under Section 170 of the Act was filed by the appellant and allowed by the Tribunal, though the appellant was already impleaded as a necessary party. The appellant has deposited Rs. 25,000/- towards preferring this appeal.

3. Learned counsel for the appellant/insurance company respectfully submits that the impugned award passed by the learned tribunal is patently erroneous, contrary to law, facts and evidence on record, and is therefore unsustainable. He further submits that the Tribunal has failed to appreciate the material on record in its proper perspective and did not conduct a proper inquiry as contemplated under Sections 168 and 169 of the Motor Vehicles Act, 1988 read with Rule 226 of the Chhattisgarh Motor Vehicles Rules, 1994. He further submits that the involvement of the alleged offending vehicle has not been proved by the claimant, and further, the owner and insurer of the motorcycle, which was also alleged to be involved, were necessary parties



but were not impleaded, thereby vitiating the proceedings. He further submits that the Tribunal has also erred in assessing the monthly income of the claimant on the higher side without any cogent basis, which has resulted in an excessive and arbitrary award of compensation, whereas only just and reasonable compensation could have been granted. He further submits that respondent no. 1 was not holding a valid and effective licence to drive the tractor and trolley at the relevant time, and, therefore, the Tribunal ought to have exonerated the appellant/insurance company from liability. In view of the aforesaid errors, coupled with the fact that the award is based on conjectures and surmises, the same is liable to be set aside or suitably modified, and the appellant craves leave of this Hon'ble Court to raise additional grounds during the course of further proceedings.

4. On the other hand, learned counsel for respondent No.1 submits that the claims Tribunal has awarded a sum of Rs. 8,31,228/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side and needs to be enhanced. Hence, this appeal may be allowed by enhancing the compensation amount suitably.
5. None for respondents No. 2 & 3 i.e. driver and owner of the offending vehicle.



6. I have heard learned counsel for the parties and perused the material available on record.
7. Having considered the rival submissions and upon perusal of the record, this Court finds that the finding of rash and negligent driving recorded by the Tribunal is fully supported by the evidence of the claimant and the documentary evidence, including the FIR and charge-sheet lodged against respondent No. 2. The appellant/insurance company has failed to bring on record any cogent evidence to dislodge the said findings.
8. The contention of the appellant that the owner and insurer of the motorcycle were necessary parties does not merit acceptance, as the evidence clearly establishes that the accident occurred due to rash and negligent driving of the offending tractor-trolley and not because of contributory negligence of the claimant. Likewise, the plea regarding absence of a valid licence has not been proved by the appellant by producing any authentic evidence, rather, the respondents/owner and driver have admitted that the vehicle was duly insured with the appellant.
9. On the issue of quantum of compensation, the Tribunal has applied just and reasonable standards, having regard to the permanent disability suffered by the claimant, his vocation, and loss of earning capacity. The assessment made cannot be said to be excessive, arbitrary, or contrary to law. On the contrary, the



compensation appears to be on the conservative side, as even the claimant/respondent No. 1 has prayed for enhancement. However, since there is no cross appeal or separate appeal for enhancement filed, this Court refrains from interfering on that score.

10. It is well settled that the Motor Vehicles Act is a beneficial legislation and compensation awarded therein is meant to provide solace to the victim of a motor accident. The approach of the Tribunal being just and reasonable, this Court does not find any error or illegality in the impugned award warranting interference in appellate jurisdiction.
11. Accordingly, the appeal filed by the appellant/insurance company fails and is hereby **dismissed**. The award passed by the learned Tribunal is affirmed.

MAC No. 986/2017

12. Learned counsel for the appellant/insurance company respectfully submits that the award passed by the learned tribunal is patently erroneous, contrary to the facts, circumstances, and evidence on record, and hence bad in law, in as much as the offending vehicle was not proved to be involved in the accident which allegedly took place on 21.01.2015, while the FIR was lodged only on 07.02.2015 after an unexplained



delay of more than two weeks and without even mentioning the registration number of the vehicle, which itself casts serious doubt on its involvement, and further, the alleged vehicle was seized belatedly on 16.03.2015 after nearly 55 days of the accident; that the Learned Tribunal failed to conduct a proper inquiry as mandated under Sections 168/169 of the Motor Vehicles Act, 1988 read with Rule 226 of the Chhattisgarh Motor Vehicles Rules, 1994, and instead accepted the claimant's version without cogent proof, despite the fact that the burden lay upon the claimant to establish the actual involvement of the vehicle; that the owner and insurer of the motor cycle, which was also alleged to be involved, were necessary parties but were not impleaded, thereby rendering the proceedings defective; that even otherwise, the compensation awarded is highly excessive and arbitrary, as the monthly income has been assessed on the higher side without proper material on record and contrary to settled principles of law regarding grant of just compensation; that respondent No. 1 was not holding a valid and effective driving license to drive the tractor-trolley and the Tribunal erred in ignoring this vital fact, which amounts to violation of policy conditions absolving the insurer of liability; and that, in view of these infirmities, the impugned award is perverse, based on conjectures and surmises, and thus deserves to be set aside, or



in the alternative, the quantum of compensation be substantially reduced, with liberty to the appellant to raise additional grounds during further proceedings.

13. On the other hand, learned counsel for respondent No.1 submits that the claims Tribunal has awarded a sum of Rs. 3,94,233/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the compensation awarded under other heads is also on lower side and needs to be enhanced. Hence, this appeal may be allowed by enhancing the compensation amount suitably.

14. None for respondents No. 2 & 3 i.e. driver and owner of the offending vehicle.

15. I have heard learned counsel for the parties and perused the material available on record.

16. Considering the overall facts and circumstances of the case, it is pertinent to note that the appeal for enhancement filed by the claimant has already been adjudicated by this Court in MAC No. 1326/2018, wherein the total compensation was duly assessed and determined at a sum of Rs. 10,35,333/-. Once the quantum of compensation has been conclusively calculated and affirmed in the said proceedings, there remains no scope for this Court to reopen the matter at the instance of the insurance company



merely to assail the award on the ground of quantum. The issue having attained finality with respect to the computation of just compensation, the challenge raised by the insurance company is devoid of merit. Accordingly, the present appeal filed by the insurance company, questioning the quantum of the award, stands dismissed as being untenable in law and fact.

17. Accordingly, the appeal filed by the insurance company is hereby **dismissed.**

MAC No. 1328/2018

18. Brief facts of the case, is that, the appellant filed a claim petition before the learned Motor Accident Claims Tribunal, Rajnandgaon (C.G.), seeking compensation to the tune of Rs. 21,85,000/- for the grievous injuries sustained in a motor accident that occurred on 21.01.2015 at about 5:30 p.m. near the village graveyard, while the appellant, aged about 50 years and working as a carpenter, was travelling with his friend Roshan Sinha on the latter's motorcycle from Village Bundeli to Village Bakhat Rengakathera. At the said spot, a tractor bearing registration No. CG-08/P-189 with a trolley bearing registration No. CG-08/ZQ-5759, driven rashly and negligently by respondent No.1, dashed against them, causing severe injuries to both the appellant and his friend. As a result of the accident, the appellant's right leg was amputated above the knee, leaving him with 55% permanent



disability, which has severely affected his capacity to continue his occupation. The appellant was initially admitted to the District Hospital, Rajnandgaon, from 21.01.2015 to 23.01.2015, and thereafter shifted to Shriram Hospital, Rajnandgaon, where he remained under treatment from 23.01.2015 to 08.02.2015 and continues to receive treatment. An FIR was lodged against respondent No.1 at P.S. Lalbag for offences under Sections 279, 337, and 338 IPC, and a charge-sheet has been filed before the learned CJM, which is pending for consideration. The learned Tribunal, after considering the pleadings, evidence, and documents, framed five issues for determination and, by its award dated 03.04.2017, partly allowed the claim, holding that the offending vehicle was duly insured with respondent No.3, was owned by respondent No.2, and was driven rashly and negligently by respondent No.1, the appellant does not dispute these findings, which stand in his favour. Hence, this appeal.

19. The tribunal has awarded a sum of Rs. 2,83,478/- towards expenditure in treatment and operation, Rs. 20,000/- towards pain, agony and diet, Rs. 20,000/- towards transportation and loss of estate, Rs. 4,77,750/- towards disability and Rs. 30,000/- towards loss of income. Thus, a total compensation of Rs. 8,31,228/- has been awarded in favor of the appellant/claimant.



20. Learned counsel for the appellant submits that the claims Tribunal has awarded a sum of Rs. 8,31,228/- which is not in accordance with law and the same is required to be enhanced in accordance with law. He further submits that the awarded compensation by the Tribunal is on the lower side. Therefore, the compensation amount may be enhanced suitably. Hence, this appeal may be allowed and awarded amount needs to be enhanced suitably.

21. On the other hand, learned counsel for respondents No. 1 & 2 opposes the same.

22. On the other hand, it has argued on behalf of the counsel for respondent No. 3 that in the facts and circumstances of case, the compensation awarded by the Claims Tribunal is just and proper and requires no further enhancement.

23. I have heard learned counsel for the parties and perused the material available on record.

24. In a motor accident claim case, what is important is that, the compensation to be awarded by the Courts/Tribunals should be just and proper compensation in the facts and circumstances of the case. It should neither be a meager amount of compensation, nor a Bonanza.



25. Now this Court shall examine as to whether the compensation of awarded by the Tribunal is just and proper compensation in the given facts and circumstances of the case.
26. Considering the facts and circumstances of the case and also considering the fact that a sum of Rs. 50,000/- towards pain and suffering and Rs. 20,000/- towards loss of income are hereby enhanced.
27. In the result, the appeal is **partly allowed**. The claimant shall be entitled to **Rs. 70,000/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount will carry interest @ 6% from the date of enhancement of the award till its realization. The impugned award stands modified to the above extent and rest of the conditions shall remain intact.

Sd/-

(Amitendra Kishore Prasad)
Judge