



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1136 of 2026

- Shriram General Insurance Co. Ltd. E-8 E P I P, Sitapur Industrial Area Jaipur (C.G.) Through- The Divisional Manager Maruti Heights 4th Floor G.E. Road Mohba Bazar Raipur District- Raipur (C.G.) **(Insurer).**
... Appellant

versus

1. Ghasnin Bai Dhruv W/o Late Thansing Dhruv Aged About 59 Years R/o Village Khuteri Caste Gond P.S. & Tahsil Pithaura District Mahasamund (C.G.) **(Claimant).**
2. Neera Bai Dhruv D/o Late Thansing Dhruv Aged About 46 Years R/o Village Khuteri Caste Gond P.S. And Tahsil Pithaura District- Mahasamund (C.G.) **(Claimant).**
3. Mahesh Dhruv S/o Late Thansing Dhruv Aged About 44 Years R/o Village Khuteri Caste Gond P.S. And Tahsil Pithaura District- Mahasamund (C.G.) **(Claimant).**
4. Evan Dhruv S/o Late Thansing Dhruv Aged About 39 Years R/o Village Khuteri Caste Gond P.S. And Tahsil Pithaura District- Mahasamund (C.G.) **(Claimant).**
5. Dharamsing Dhruv S/o Ratan Sing Dhruv Aged About 37 Years R/o Village Chhibarra P.S Pithaura District- Mahasamund (C.G.) **(Driver).**
6. Kaushal Prasad Sahu S/o Gangaprasad Sahu Aged About 52 Years R/o Village Nayapar Khurd P.S. And Tahsil- Pithaura District- Mahasamund (C.G.) **(Owner).**

... Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Ashutosh Singh Rathore, Advocate.
For Respondents	:	None.



Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

06/05/2026

1. Heard on I.A. No.1/2026, application for condonation of delay in filing the appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 1 day's in filing the appeal is hereby condoned.
3. Also heard on admission.
4. This appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'M.V. Act) assailing the correctness and validity of the impugned award dated 20.01.2026 (Annexure-A/1) passed by 12th Upper Motor Accident Claims Tribunal (for short the "Tribunal") Raipur (C.G.) in Claim Case No. 227/2023.
5. By the impugned award, against the claim of Rs.66,30,000/-, the learned Claims Tribunal awarded compensation of Rs.10,17,000/- in favour of the respondents No.1 to 4/claimants.
6. Facts of the case in brief are that on 28.10.2022 at 11:00 a.m., Thansingh Dhruv and Gaursingh Thakur had gone to Village Arjuni Goud for a social meeting on a motorcycle bearing Registration No.CG-06-GL-0409. While returning to their home at about 4:00 p.m., when they reached near Sharma Rice Mill at the Potapara National Highway 53, the driver/non-applicant No.5 of the offending vehicle '*Tavera*' bearing Registration No.CG-04-HC-1635 from the direction of Raipur, drove the offending vehicle in a rash and negligent manner hit the motorcycle from behind. As a result, the motorcycle rider, Gaursingh Thakur, and Thansingh Netam fell onto the road. Subsequently, both



were taken to the Government Hospital, Pithora, Where Thansingh Netam succumbed to severe injuries sustained on his head and various parts of his body. Gaursingh Thakur, having sustained severe injuries on his head and legs and was immediately referred to Raipur. A report has been lodged regarding the aforementioned accident and criminal was registered under Sections 279, 337, and 304(A) of the Bharatiya Nyaya Sanhita, 2023.

7. Learned counsel for the appellant submits that the challenge in this award is on the grounds that offending vehicle was not involved in the said accident; there was a contributory negligence; the award was exaggerated; there was no driving license of the driver of the offending vehicle. Thus, the instant appeal may be admitted.
8. I have heard learned counsel for the appellant/insurance company and perused the material available on record with utmost circumspection.
9. First ground is taken by the appellant/insurance company is that the offending vehicle was not involved in the said accident and the report was lodged against the unidentified vehicle. From perusal of the impugned award, it appears that issue No.1 was framed with regard to the negligence caused by the driver of the offending vehicle '*Tavera*'. While deciding the issue, the learned Claims Tribunal relied upon the statement of Ghasnin Bai (AW-1), who stated that deceased went to attend a social meeting and while returning back as a pillion rider on the motorcycle, the offending vehicle hit from the back resulting into the death of Thansingh Dhruv. Eye witness, Gaursingh Thakur (AW-2) was also examined, who also deposed in the manner, the accident has occurred. The learned Claims Tribunal relied upon the judgment of



Hon'ble Supreme Court in case of *Bimla Devi & Others Versus Himachal Road Transport Corporation & Others, (2009) 13 SCC 530*, to hold that driver of the offending vehicle was negligent. Thus, the contention of Mr. Rathore is rejected.

10. Second submission is with regard to the contributory negligence. Considering, the issue No.1, statement of Gaursingh Thakur would indicated that the respondent No.5/driver of the offending vehicle dashed their motorcycle the back. It also appears from the record that deceased was just a pillion rider and there cannot be contributory negligence on the part of pillion rider. Thus, this contention of learned counsel for the appellant/insurance company is also rejected.
11. Third ground is that exaggerated compensation is awarded. The deceased was found to be 58 years of age at the time of accident. His income was assessed to Rs.10,000/- per month. After 10% for future prospect, his yearly income was assessed to Rs.1,32,000/-. After 1/3 deduction and applied a multiplier of 9, the learned Claims Tribunal awarded Rs.7,92,000/- for loss of dependency. After adding compensation on other conventional heads viz funeral expenses, loss of estate, spousal and parental consortium, total compensation of Rs.10,17,000/-. The Courts and Tribunal to see that just compensation is awarded. In the opinion of this Court, the compensation awarded cannot be said to be excessive. Hence, this contention of Mr. Rathore is also rejected.
12. Lastly, Mr. Rathore submits that driver of the offending vehicle was not holding valid and effective driving license. Issue No.2 is proved with regard to violation of terms and conditions of insurance policy. While



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deciding this issue, learned Claims Tribunal has held that the driving license of the driver was seized. Issue No.2 was decided against the appellant. Finding on this issue appears to be based upon proper appreciation of evidence and material on record and needs no interference by this Court. Hence, this contention is also rejected.

13. No other ground is raised apart from this.
14. Accordingly, the appeal fails and is hereby dismissed at admission stage itself.
15. Interlocutory application(s), pending if any, also stands dismissed.

Sd/-
(Sachin Singh Rajput)
Judge

Deepti Jha