



2026:CGHC:10572



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1425 of 2018

Judgment Reserved on: 14.1.2026

Judgment Delivered on: 28.2.2026

- Bajaj Allianz General Insurance company Limited Shiv Mohan Bhawan Pandri Raipur Chhattisgarh. Through Legal Officer, Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhawan Vidhan Sabha Road Pandri Raipur Chhattisgarh. (Insurer), District : Raipur, Chhattisgarh.

... Appellant(s)

versus

1. Meghnath @ Madan Patel S/o Babulal Patel Aged About 21 Years R/o Village Mrarkshibahra Tehsil - Bagbahara District - Mahasamund Chhattisgarh. (Claimant), District : Mahasamund, Chhattisgarh.
2. Pradeep Kumar Devnath S/o Brindvan Bangali Aged About 25 Years R/o Mahamaya Chowk Ghoudari P.S., Tahsil And District Mahasamund Chhattisgarh. (Driver), District : Mahasamund, Chhattisgarh.
3. Kamal Dev Chandrakar S/o Chhanulal Chandrakar R/o Village - Belsonda, P.S., Tehsil And District - Mahasamund Chhattisgarh. (Owner), District : Mahasamund, Chhattisgarh.



... Respondent(s)

For Appellant(s)	:	Mr. Ghanshyam Patel, Advocate.
For Respondent(s) No. 1	:	Mr. R. V. Ram Rajwade, Advocate.
For Respondents No. 2 & 3	:	None though notice has been served.

Hon'ble Mr. Justice Amitendra Kishore Prasad**C A V Judgment**

1. The present is Insurance Company's appeal assailing the award dated 19.3.2018 passed by the learned 2nd Additional Motor Accident Claims Tribunal, Mahasamund (C.G.) in Claim Case No. H-54/2016, whereby the Claims Tribunal has awarded a compensation of Rs. 7,79,000/- with interest @ 6% per annum in favour of claimant/respondent No. 1 herein.
2. The claimant i.e. respondent No. 1 represented by Mr. R.V. Ram Rajwade, Advocate have also filed a cross-objection seeking for enhancement of compensation.
3. Brief facts of the case, is that, an application under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act") was filed by respondent No. 1 (the claimant) for the injuries sustained in a road accident. It was the case of the claimant that on 06.10.2014, while returning home from Mahasamund on his bicycle after finishing his work, he stopped midway near a flour mill at Jhalkhamariya and joined his friends Golu and Daggu Dagesh Baghel, who were standing by the roadside, when the offending vehicle, a Maruti Van bearing registration No. CG-06-E-1416, came from the opposite direction and hit them, causing



serious injuries. Thereafter, they were taken to Government Hospital, Dhamtari, and subsequently referred to Medical College, Raipur, where the claimant was treated from 06.10.2014 to 30.10.2014, and thereafter shifted to Om Hospital for further treatment. The claimant stated that at the time of the accident he was about 21 years old and earning Rs. 200–250 per day as a painter, and accordingly sought compensation of Rs. 14,60,000/- under various heads. Respondent Nos. 1 and 2 filed a joint reply denying all adverse allegations but thereafter did not contest the matter. The appellant–insurance company filed its reply controverting the averments and specifically pleaded that the FIR was lodged against an unknown vehicle and that the insured vehicle was seized after one year of the accident, alleging collusion between the claimant and the insured to falsely implicate the vehicle for claiming compensation. It was further pleaded that the driver did not possess a valid and effective driving licence and that the vehicle was being plied without a valid permit and fitness certificate, in violation of the policy conditions, and therefore the appellant was not liable. The appellant also relied upon several criminal cases, including Case Nos. 2778/16, 14486/16, 172/15, 971/16, and 181/16, to demonstrate a consistent pattern of delayed FIRs and subsequent seizure of vehicles involving the same driver Kundan, and marked Exhibits D-1 to D-4 in support. To prove its case, the appellant examined the Investigating Officer of Crime No. 172/2015, Preet Dhruw, as NAW-1, who admitted



that the insured vehicle was seized after one year. The claimant also admitted that he lodged the FIR after two months against an unknown vehicle and that his motorcycle was seized prior to the insured vehicle. The appellant further contended that similar conduct was evident in other cases involving the same owner, creating serious suspicion regarding the involvement of the vehicle and revealing the oblique motive of the insured; however, the learned Tribunal, without properly appreciating the evidence on record, held the insured vehicle to be involved in the accident and fastened liability upon the appellant.

4. Learned counsel for the appellant/insurance company submits that the impugned award passed by the learned Tribunal is bad in law and on facts and has been passed in a mechanical and arbitrary manner. It was contended that the Tribunal committed grave illegality in holding that the insured vehicle bearing registration No. CG-06-E-1416 was involved in the accident, despite the fact that the FIR was initially lodged against an unknown vehicle and the insured vehicle was seized after an inordinate and unexplained delay. It was further argued that the conduct of the insured clearly reflects collusion with the claimant, as the vehicle was intentionally implanted in the case only to obtain compensation from the appellant. He further submits that the owner of the said vehicle was involved in several similar criminal cases involving delayed FIRs and belated seizure of vehicles, which establishes a pattern of false and fabricated



claims. It was further contended that the Tribunal failed to properly appreciate the evidence of NAW-1 and erred in relying solely on the testimony of AW-3, who was neither the author of the FIR nor a genuine eyewitness and remained silent for several months, thereby rendering him an implanted witness. The learned counsel further submitted that mere registration of an FIR does not ipso facto prove negligence or involvement of the vehicle in the absence of any conviction. It was also argued that the Tribunal wrongly assessed 50% functional disability, despite medical evidence showing that the disability was confined to the leg, and failed to consider that the claimant could undertake alternative work, warranting a much lower assessment. Additionally, the Tribunal erred in determining the notional income of the deceased at Rs. 6,000/- per month on mere conjectures and surmises. Lastly, the appellant sought liberty to raise additional grounds during the course of further proceedings.

5. Learned counsel for claimant/respondent No. 1 submits that the claims Tribunal has awarded a sum of Rs. 7,79,000/- 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.



6. None for respondents No. 2 & 3 i.e. driver and owner of the offending vehicle.
7. I have heard learned counsel for the parties and perused the material available on record.
8. Upon due consideration of the facts and circumstances of the case, the evidence on record, and the rival submissions of the learned counsel for the parties, this Court finds no merit in the present appeal. The learned Tribunal has duly appreciated the oral and documentary evidence and has rightly held that the offending vehicle bearing registration No. CG-06-E-1416 was involved in the accident and that the claimant sustained grievous injuries due to the rash and negligent driving of the said vehicle. Mere delay in lodging the FIR or seizure of the vehicle, in the absence of cogent evidence disproving the occurrence, cannot by itself negate the claimant's case, particularly when the claimant's testimony and medical records consistently support the manner of accident and injuries sustained. The allegations of collusion and fabrication, as raised by the appellant, are based on conjectures and have not been substantiated by reliable evidence. The Tribunal has also reasonably assessed the income, disability, and compensation payable to the claimant on the basis of material available on record, and no perversity, illegality, or arbitrariness is found in the impugned award warranting interference by this Court.



9. Accordingly, the appeal filed by the appellant–insurance company is being devoid of merit and is hereby **dismissed**.

Cross Objection

10. The tribunal has awarded a sum of Rs. 75,000/- towards medical expenses, Rs. 10,000/- towards attendant, Rs. 5,000/- towards pain and suffering, Rs. 5,000/- towards transportation, Rs. 5,000/- towards nutrition food, Rs. 6,000/- towards loss of income during treatment and Rs. 25,000/- towards loss of enjoyment. Thus, a total compensation of Rs. 7,79,000/- has been awarded in favor of the claimant/respondent No. 1. Hence, this cross objection for enhancement.
11. Learned counsel for claimant/respondent No. 1 submits that the claims Tribunal has awarded a sum of Rs. 7,79,000/- 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.
12. On the other hand, it has argued on behalf of the counsel for the appellant/insurance company that in the facts and circumstances of case, the compensation awarded by the Claims Tribunal is just and proper and requires no further enhancement.
13. None for respondent Nos. 2 & 3 i.e. driver and owner of the



offending vehicle.

14. I have heard learned counsel for the parties and perused the material available on record.
15. 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.
16. 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.
17. The Hon'ble Supreme Court in the matter of **Hare Krushna Mahanta vs. Himadari Sahu & Another** reported in **2025 SCC Online SC 262** has observed as under:-

*"9. We have heard the learned counsel for the parties. It is borne from the record that the Claimant-Appellant had agreed on the additional consolidated sum granted by the High Court. It is imperative for this Court, however, to reiterate that despite such consent, the objective when granting compensation under the Motor Vehicles Act, 1988, is to ensure just and fair compensation is paid to the aggrieved party. This came to be reiterated by this Court recently in **Meena Devi v. Nunu Chand Mahto** reported in (2023) 1 SCC 204, wherein it was observed:"*

"17. The Tribunal/Court ought to award "just"



compensation which is reasonable in the facts relying upon the evidence produced on record. Therefore, less valuation, if any, made in the claim petition would not be impediment to award just compensation exceeding the claimed amount."

18. Considering the facts and circumstances of the case and also considering the fact that a sum of Rs. 50,000/- towards pain and suffering, Rs. 50,000/- towards loss of amenities and Rs. 10,000/- towards loss of income are hereby enhanced.
19. In the result, the cross appeal is **partly allowed**. The claimant/respondent No. 1 shall be entitled to **Rs. 1,10,000/-** in addition to what is already awarded by the claims Tribunal. The enhanced amount will carry interest @ 6% from the date of filing of claim petition 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

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
14.1.2026	28.2.2026	-	28.2.2026