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## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MAC No. 2256 of 2019

**1** - Branch Manager. Hdfc Ergo General Insurance Company Limited  
Office Address 3rd Floor Chawla Complex, Devendra Nagar Road, Sai  
Nagar Raipur, Tehsil And District Raipur (Chhattisgarh).....(Insurer  
Of Paver Machine Registration No. Gj-02-Tc-175),

**... Appellant (s)**

**versus**

**1** - Smt. Kisu (Kishu) Bai Patel W/o Late Khelavan Patel Aged About 40  
Years Profession Home Maker, R/o Village Ragara, Post Gormati, Tehsil  
Sahasapur Lohara, District Kawardha (Kabirdham)  
Chhattisgarh.....Claimant, District : Kawardha (Kabirdham),  
Chhattisgarh

**2** - Kartik Ram Patel, S/o Late Khelavana Patel, Aged About 26 Years  
R/o Village Ragara, Post Gormati, Tehsil Sahasapur Lohara, District  
Kawardha (Kabirdham) Chhattisgarh.....Claimant, District :  
Kawardha (Kabirdham), Chhattisgarh

**3** - Narsingh Patel, S/o Late Khelavana Patel, Aged About 24 Years R/o  
Village Ragara, Post Gormati, Tehsil Sahasapur Lohara, District  
Kawardha (Kabirdham) Chhattisgarh.....Claimant, District :  
Kawardha (Kabirdham), Chhattisgarh

**4** - Smt. Rakhi Patel W/o Shraavan Patel Aged About 24 Years R/o  
Village Ragara, Post Gormati, Tehsil Sahasapur Lohara, District  
Kawardha (Kabirdham) Chhattisgarh. Currently R/o Kalyanpur, Thana  
Lohara, Tehsil Sahasapur, District Kawardha (Kabirdham)  
Chhattisgarh.....Claimant, District : Kawardha (Kabirdham),  
Chhattisgarh

**5** - Smt. Rupai Patel, W/o Tularam Patel, Aged About 75 Years R/o  
Village Ragara, Post Gormati, Tehsil Sahasapur Lohara, District  
Kawardha (Kabirdham) Chhattisgarh.....Claimant, District :  
Kawardha (Kabirdham), Chhattisgarh



**6** - Tularam Patel, S/o Shobharam Patel, Aged About 80 Years R/o Village Ragara, Post Gormati, Tehsil Sahasapur Lohara, District Kawardha (Kabirdham) Chhattisgarh.....Claimant, District : Kawardha (Kabirdham), Chhattisgarh

**7** - Rohit S/o Gendu Ram Sahu, Aged About 41 Years Profession Driver, R/o Bemetara Kutchery Para, Ward No. 5, Thana, Tehsil And District Bemetara Chhattisgarh.....(Driver Of Paver Machine Registration No. Gj-02-Tc-175), District : Bemetara, Chhattisgarh

**8** - Manager M/s, Kiran Buildcon, Office And Address J/179/7, Punjabi Colony Raipur Road, Bemetara, Thana, Tehsil And District Bemetara Chhattisgarh Profession Contractor.....(Owner Of Paver Machine Registration No. Gj-02-Tc-175), District : Bemetara, Chhattisgarh

... Respondent(s)

For Appellant (s)	:	Mr. Nilesh Kumar Thakur, Advocate.
For Respondent(s) No.7 & 8	:	Mr. Arvind Prasad, Advocate.

**(Single Bench)**

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**10/04/2026**

1. The appellant/Insurance Company has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act, 1988') calling in question the legality, validity and correctness of the award dated 2.8.2019 passed by the Motor Accident Claims Tribunal, Bemetara (for short 'the Claims Tribunal') in Claim Case No.98/2018 by which liability to pay compensation of Rs.8,54,000/- has been fastened on the Insurance Company.
2. Mr. Nilesh Kumar Thakur, learned counsel for the appellant/ Insurance Company would submit that liability of the Insurance



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Company is confined to Rs.1,30,000/- and, therefore, the impugned award is liable to be set aside.

3. On the other hand, Mr. Arvind Prasad, learned counsel for respondent No.7 & 8 would support the impugned award.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. A careful perusal of the written statement would show that plea of limited liability, which is confined to Rs.1,30,000/-, has not been expressly taken before the Claims Tribunal. Even no evidence has been led by the Insurance Company to establish the said plea.
6. In that view of the matter, I do not find any merit in this Appeal, which deserves to be and is hereby dismissed.

Sd/-  
**(Sanjay K. Agrawal)**  
**Judge**