



CGHC010456922025

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2418 of 2025

THE NEW INDIA INSURANCE (ASSURANCE) **versus** SHYAM BAI TIRKEY

Order Sheet

10/09/2026	Mr. Mohd.Azad Siddiqui, Advocate for the Appellant. None for Respondents No.1 to 4. Notice to Respondent No.5 received unserved. Heard on I.A. No. 01/2025 for condonation of delay in filing the appeal barred by 9 days. For the reasons stated in the application (I.A. No. 01/2025), the same is allowed and the delay of 25 days in filing the appeal is condoned. Also heard on Admission. Admit. Also heard on I.A. No. 02/2025, application for grant of stay. By impugned award dated 05.07.2025 passed in Claim Case No.91/2023, by the learned 6th Additional Motor Accident Claims Tribunal, Raigarh (CG), the Tribunal has granted a total compensation of Rs. 22,37,836/- with annual interest @ 9%.

Learned counsel for the appellant submits that the accident occurred on 20.11.2022 at 2:00 PM. The driver of the motorcycle, namely Pawan Tirkey, dashed into the offending vehicle from behind, despite which the Claims Tribunal has not found contributory negligence. The driver of the motorcycle was unmarried at the time of the incident and the deduction towards personal and living expenses ought to have been 1/2, whereas the Tribunal has applied 1/3. As such, stay may be granted.

In view of the above, it is directed that on appellant's depositing 30% of the awarded amount within a period of 30 days from today, the recovery of rest of the award shall remain stayed.

The claimants are entitled to withdraw the amount to be so deposited by the appellant/insurance company on furnishing an undertaking to return the said amount whenever the Court directs.

Accordingly, I.A. No. 02/2025, is allowed to the extent indicated herein-above.

Issue fresh notice to the Respondents by ordinary as well as speed post on payment of process fee within 7 working days.

List this case after service of notice.

The receipt regarding deposit of payment of 30% of the award amount as directed by this Court, shall be filed by the next date of hearing.

Sd/-

(Sanjay Kumar Jaiswal)
Judge