



2026:CGHC:13363

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2614 of 2025**

Branch Manager, Royal Sundaram General Insurance Company Ltd., Raj
Chambers Office No. 306, Third Floor, Near Railway Overbridge, Mowa,
Raipur (C.G.) **... Appellant**

versus

1. Daulat Ram Verma S/o Parasram Verma, aged about 29 years R/o
House No. 30 A, Gram Gunarbod, Tehsil, Thana And District Bemetara (C.G.)
(Claimant)

2. Abhishek Parmar S/o Vishwanath Singh Parmar, aged about 26 years
R/o Gram Lasudia Jagir, Thana Pachor, District Raigarh (C.G.) Present
Address - Samruddhi Vihar Colony, Near Samadhan College, Bemetara,
Police Station And District Bemetara (C.G.)

3. Vishwanath Singh S/o Shiv Singh R/o Lasudia Jagir, Thana Pachor,
District Raigarh, Present Address - Jus21, Juni, Indore, Thana Kampus Juni,
District Indore (M.P.) **... Respondents**

For appellant : Shri Palash Agrawal, Advocate

For Respondent No.1 : Shri Amit Kumar Sahu, Advocate

(Honb'le Shri Justice Sachin Singh Rajput)**Order on Board dated 19.03.2026**

Heard on IA No.2/2025 for condonation of delay of 14 days in filing the
appeal.

2. For the reasons stated in the application, though opposed, it is allowed,
and the delay in filing the appeal is condoned.

3. Though listed on admission, with the consent of the counsel for the parties it is heard finally.

4. Challenge in this appeal filed under Section 173 of the Motor Vehicles Act, 1988 (for short the "MV Act") by the appellant/Insurance Company is to the award dated 04.08.2025 passed by the Motor Accident Claims Tribunal, District Bemetara, Chhattisgarh in Claim Case No. 124/2024.

5. A Claim petition under Section 166 of the MV Act was filed by the respondent No.1/Claimant *inter alia* claiming compensation of Rs. 26,50,000/- for the injuries sustained in the accident which took place on 02.03.2024 on account of rash and negligent riding of the offending vehicle i.e. Royal Enfield Bullet bearing registration No. MP-09-QX-1768 by respondent No.2 which was owned by respondent No.2 and insured with respondent No.3. Respondent No.1/claimant is stated to have suffered severe injuries on his person, he was admitted at District Hospital, Bemetara and thereafter looking to his serious condition he was admitted in Agrawal Institute of Medical Science, Raipur where he remained hospitalized for more than a month. The respondent No.1/claimant underwent surgery and rod was implanted in his leg. He also suffered fracture of his spine, left hand and waist. Hence the claim case was filed.

6. Learned claims Tribunal framed the issues and decided the same in favour of the respondent No.1/plaintiff by the award impugned.

7. Learned counsel for the appellant/insurance Company submits that the only challenge in this appeal is to the contributory negligence of respondent No.1/claimant. Though the offending vehicle was ridden by respondent No.2 and then respondent No.1/claimant suddenly came on the way running fast and the accident took place, and thus he (claimant) was also held negligent.

Being this, it is submitted that the award impugned may be set aside and the award amount may be suitably reduced.

8. On the other hand, counsel for respondent No.1/claimant supports the award impugned to be just and proper. He submits that the respondent No.1/claimant was a pedestrian, that a criminal case was also registered against respondent No.2, and for that the principle of *res ipsa loquitor* would apply in this case.

9. Heard counsel for the parties and perused the documents on record.

10. Respondent No.1 examined himself as AW-1 who has categorically stated that respondent No.2 who was riding the offending motorcycle rashly and negligently dashed against him. He has exhibited criminal papers also. Nothing is brought on record in the cross examination nor any other witness has been examined. Papers of the criminal case also indicate that FIR was lodged against respondent No.2 under sections 279, 337 and 338 IPC and after investigation charge sheet was filed.

11. Learned counsel for the appellant tried to impress upon this Court that there was no visibility and respondent No.1/claimant came on the way suddenly and in spite of the brake being applied by respondent No.2, the accident could not be averted. This Court does not find any substance in this argument of the counsel for the appellant.

12. In aforesaid view of the matter, this Court does not see any reason to interfere with the award impugned. Accordingly, the appeal is dismissed.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi