



2026:CGHC:14969

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 2254 of 2019

1 - Rakesh Kumar Koushik S/o Arjun Koushik Aged About 30 Years R/o Village - Tada, Post Office Tada, Thana - Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Smt. Anju Bai W/o Rakesh Kumar Koushik Aged About 28 Years R/o Village - Tada, Post Office Tada, Thana - Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

--- Appellants

versus

1 - Bhuvneshwar Prasad Koushik S/o Arjun Lal Koushik Aged About 27 Years Occupation - Driver, R/o Village - Tada, Post Office Tada, Thana - Kota, District - Bilaspur Chhattisgarh. (Driver Of The Offending Vehicle Auto No. C.G. 10/ B. Y. / 6059) ., District : Bilaspur, Chhattisgarh

2 - Deepak Koushik S/o Motilal Koushik, R/o Tada, Ward No. 4 Aawaspara, Thana - Kota, District - Bilaspur (C.G.) (Registered Owner Of The Offending Vehicle Auto No. C.G. 10/ B. Y. / 6059) ., District : Bilaspur, Chhattisgarh

3 - Rayol Sundaram General Insurance Company Limited, Sundaram Towers 46 Whit Road Roypettah Chennai 600014 Regional Manager, Rayol Sundaram General Insurance Company Limited, Regional Office - Raja Chambers Office No. 306 Near 3rd Floor Mowa Over Brize Raipur Tahsil And District - Raipur Chhattisgarh. Through Branch Manager, Rayol Sundaram General Insurance Company Limited, Rama Trade Center 1st Floor In Front Of Rajeev Plaza. Old Bus Stand Bilaspur Tahsil And District Bilaspur (C.G.) (Insurer Of The Offending Vehicle Auto No. C.G. 10/ B. Y. / 6059) ., District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellants	: Mr. A.L. Singroul, Advocate
For Respondents No. 1 & 2	: Ms. Kusum Lalchandani on behalf of Mr. A.K. Yadav, Advocates
For Respondent No. 3	: Mr. Anupam Dubey, Advocate

MAC No. 1746 of 2019

1 - Royal Sundaram General Insurance Company Limited Through Branch Manager, Raja Chambers Office No. 306 3rd Floor, Near Mova Over Bridge Raipur Tehsil And District Raipur Chhattisgarh(Insurer), District : Raipur, Chhattisgarh

---Appellant

Versus

1 - Rakesh Kumar Kaushik S/o Arjun Kaushik Aged About 30 Years R/o Tada, Post Office Tada, P. S. Kota, District Bilaspur Chhattisgarh District : Bilaspur, Chhattisgarh

2 - Smt. Anju Bai W/o Rakesh Kumar Kaushik Aged About 28 Years R/o Tada, Post Office Tada, P. S. Kota, District Bilaspur Chhattisgarh District : Bilaspur, Chhattisgarh

3 - Bhuvneshwar Prasad Kaushik S/o Arjun Lal Kaushik Aged About 27 Years R/o Tada, Post Office Tada, P. S. Kota, District Bilaspur Chhattisgarh , District : Bilaspur, Chhattisgarh

4 - Deepak Kaushik S/o Motilal Kaushik R/o Tada, Post Office Tada, P. S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellant : Mr. Anupam Dubey, Advocate

For Respondents : Mr. A.L. Singroul, Advocate

No. 1 & 2

For Respondents : Ms. Kusum Lalchandani on behalf of Mr. A.K.

No. 3 & 4 Yadav, Advocates

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

01.04.2026

1. Since common question of law and fact is involved in both of these appeals and since they have arisen out of a common accident, therefore, they have been clubbed together, heard together and are being decided by this common judgment.

- 2.** MAC/2254/2019 has been preferred by the appellants/claimants whereas MAC/1746/2019 has been preferred by the appellant/Insurance Company against the impugned award dated 30/03/2019 passed by learned 2nd Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 451/2018 whereby compensation of Rs. 5,00,000/- has been awarded to the claimants for the death of Prashant Kaushik, aged about 5 years, and the liability of payment of compensation has been fastened upon the Insurance Company.
- 3.** Mr. A.L. Singroul, learned counsel for the appellant/claimants in MAC/2254/2019 would submit that the compensation awarded by the Claims Tribunal is on the lower side, therefore, it may suitably be enhanced.
- 4.** Mr. Anupam Dubey, learned counsel for the appellant/Insurance Company in MAC/1746/2019, would submit that the accident occurred on 19/03/2018 whereas the amendment to 2nd Schedule of Section 163-A of the Motor Vehicle Act, 1988 came into force with effect from 22/5/2018, thus, it could not have been given retrospective effect and as such, the compensation is liable to be reduced.
- 5.** Ms. Kusum Lalchandani, learned counsel for the owner and driver of the offending vehicle in both the cases, would support

the impugned award and submit that the instant appeals are liable to be dismissed.

6. I have heard learned counsel for the parties, considered their rival submissions made herein-above and perused the record.
7. The issue involved in these appeals is no longer *res integra*. In this regard, the decision rendered by the Supreme Court in the matter of **New India Assurance Co. Ltd. v. Urmila Halder**¹ may be noticed herein profitably wherein it has been held as under :-

“4. The short point for consideration before this Court is whether the amendment in Section 163-A of the Motor Vehicles Act, 1988, which came into effect by a Gazette Notification on 22nd May, 2018, would relate to an accident which had occurred prior to the said date.

10. The order of the High Court is well discussed and we agree with the view taken. We may, however, add that a beneficial legislation would necessarily entail the benefit to be passed on to the claimant in the absence of any specific bar to the same. In the present case, the liability of the appellant-Insurance Company has not been interfered with. Only the computational mode and the modality have been further clarified, which rightly has been noted by the High Court and accordingly, the claim has been enhanced to Rs. 5,00,000/- (Rupees Five Lakhs). As 50% of the compensation amount was stayed by this Court, the same be paid to the respondent in terms of the impugned judgment within eight weeks.”

8. In view of the aforesaid decision of the Supreme Court rendered in the matter of **Urmila Halder** (supra), in the present

1 2024 SCC Online SC 4983

case, though the accident is said to have occurred on 19/03/2018, but the Claims Tribunal has rightly granted compensation to the tune of Rs. 5,00,000/- as per the amendment made in the 2nd Schedule of Section 163-A of the Act of 1988 which came into force w.e.f. 22/05/2018, as it has been held by the Supreme Court in Urmila Halder (supra), a beneficial legislation would necessarily entail the benefit to be passed on to the claimant in the absence of any specific bar to the same. I do not find a good ground to interfere with the impugned award.

9. Accordingly, both the appeals are dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge