



2026:CGHC:15033

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 234 of 2019

Ram Kuamr Sharma S/o Nakchhed Prasad Sharma Aged About 47 Years R/o Village Banchhar (Chhuri) Tahsil Katghora ,district Korba Chhattisgarh., District : Korba, Chhattisgarh

... **Appellant**

Versus

1 - Gyan Singh Chandra S/o Kanshi Ram Chandra R/o Budhwari, Bazar, Infront Of Janki Mandir ,ward No. 21, Korba ,tahsil And District Korba Chhattisgarh (Driver), District : Korba, Chhattisgarh

2 - Smt. Asa Singh W/o Shiv Kumar Singhr/o Mannu Chowk Tikrapara Bilapur District Bilaspur Chhattisgarh (Owner), District : Bilaspur, Chhattisgarh

3 - Branch Manger United India Insurance Company Limited ,korba District Korba Chhattisgarh (Insurer), District : Korba, Chhattisgarh

... **Respondent**

[Cause-title taken from Case Information System (CIS)]

For Appellant/Claimant: Mr. S.P. Sannat, Advocate

For Insurance Company: Mr. RN Pusty and Mr. Akash Shrivastava, Adv

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

(Order on Board)

01.04.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short the "Act of 1988") has been preferred by the appellant/claimant challenging the impugned order dt. 12.12.2018, whereby learned Claims Tribunal has rejected his application for grant of compensation.

2. Learned counsel for the appellant would submit that learned



Claims Tribunal is absolutely unjustified in rejecting the application of the appellant by recording findings which are perverse and contrary to the record. The evidence of appellant and one another eye-witness has been disbelieved by the claims tribunal, whereas they have clearly narrated the accident in which the appellant has suffered grievous injuries on account of rash and negligent driving by the driver of the offending vehicle i.e. respondent No.01 herein. As such, the impugned order is liable to be allowed and the appellant is entitled for compensation suitably.

3. Learned counsel for the respondents supported the impugned order and prays for dismissal of this appeal.

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 record would show that appellant- Ram Kumar Sharma has been examined before the claims tribunal as Witness No.01 and he has clearly stated that on the date of accident while he was going to perform pooja, at that juncture, the driver of the offending vehicle i.e. respondent No.01 herein plied the same in rash and negligent manner, due to which, the accident in question occurred and the claimant/appellant suffered grievous injuries. Appellant- Ram Kumar Sharma has been subjected to cross-examination, but nothing has been extracted from him to hold contrary. Similarly, eye-witness, namely, Ashok Kumar Yadav, who has been examined as Witness



No.02, has also supported the case of the claimant/appellant by stating that since he was behind the offending vehicle at the time of accident he has seen the incident of offending vehicle hitting the claimant, due to which, he suffered injuries. As such, on the basis of aforesaid statements, it is quite clear that on the date of accident, the driver of the offending vehicle i.e. respondent No.01 plied the same in rash and negligent manner and hit the appellant/claimant, due to which, he suffered serious injuries. Furthermore, FIR (Ex.P/02) was also registered against the driver of the offending vehicle i.e. respondent No.01 herein and he was charge-sheeted for offence under Sections 279 & 337 of IPC. Consequently, involvement of the offending vehicle in the accident in question is duly established and, the said vehicle, at the time of accident was owned by the respondent No.02 herein and insured with the respondent No.03. As such, the learned Claims tribunal is absolutely unjustified in rejecting the claim of the appellant by recording findings which are perverse and contrary to the record. Therefore, the same is hereby set aside and it is held that the appellant is entitled for compensation.

6. In that view of the matter, the impugned order dated 12.12.2018 is hereby set aside. The appellant/claimant is entitled for compensation, which in light of the judgments of the Supreme Court rendered in the matters of **National Insurance Company Ltd. V. Pranay Sethi**¹, **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors**² and **Magma**

1 (2017) 16 SCC 680

2 (2009) 6 SCC 121

**General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors³**

this Court is computing as under:-

Sr. No.	Heads	Compensation to be awarded
1.	Income as per Minimum Wages	Rs.6206/- PM
2.	Loss of income during treatment (for 5 months)	Rs.6206x5 = Rs.31,030/-
3.	Medical Expenses & Transportation Bill (as per Exhibit Ex.P/14 to Ex.P/58)	Rs.32,201/-
4.	Pain and suffering	Rs. 20,000/-
5.	Special Diet	Rs.10,000/-
6.	Attendant	Rs.10,000/-
	Total	Rs.1,03,231/-

7. At this stage, learned counsel appearing for the respondent-insurance company would submit that the driver of the offending vehicle was not having valid and effective driving license to ply the same on the date of accident, therefore, the respondent-insurance company is not liable to pay the amount of compensation. However, a careful perusal of the record would show that the insurance company did not lead any evidence to prove that the driver of the offending vehicle was not having valid and effective driving license to ply the same on the date of accident and, in absence of which, the said plea is liable to be and is hereby rejected.

8. In view of aforesaid analysis, the appellant is held entitled for compensation of **Rs.1,03,231/-**. The aforesaid amount of compensation shall carry interest @ 6% per annum from the date of filing of claim

³ (2018) 18 SCC 130



application before the Tribunal till its realization. The respondent No.03-insurance company, with whom the offending vehicle was insured at the time of accident, is held liable to pay the said amount of compensation to the claimant. Therefore, it is directed that the respondent No.03-insurance company shall deposit the amount of compensation as awarded by this Court before the concerned claims tribunal within a period of 45 days from the date of receipt of copy of this order. Thereafter, the concerned Tribunal shall pass appropriate order with regard to apportionment, investment and disbursement of the aforesaid amount of compensation awarded by this Court.

9. Accordingly, this appeal is **allowed** to the extent as indicated herein-above.

sd/-
(Sanjay K. Agrawal)
Judge