



CGHC010088262026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 71 of 2026

1 - S.B.I. General Insurance Company Limited Branch Office, 2nd Floor, Rama Port, Main Road Vyapar, Vihar, Kranti Nagar, Thana Civil Line, Tahsil And District- Bilaspur (C.G.)

... **Petitioner(s)**

versus

1 - Vijay Soni S/o Geeta Ram Soni Aged About 30 Years R/o Village Nagoi, Soni Mohalla, Thana Sarkanda, District- Bilaspur (C.G.) (Insurance Co. Of Vehicle No. Cg-10- BJ- 1792)

2 - Jitendra Kumar Kenwat S/o Malik Ram Kenwat Aged About 24 Years R/o Chanadongari, Thana Takhatpur, District- Bilaspur (C.G.) At Present Address Shanti Nagar, Water Tank Ghuru, District- Bilaspur, Chhattisgarh (Driver And Owner Co. Of Vehicle No. Cg-10- BJ- 1792)

... **Respondent(s)**

For Petitioner(s)	:	Shri K.P.S. Gandhi, Advocate
For Respondent(s)	:	None appeared on behalf of the respondents despite services of notice.

({Hon'ble Shri Justice Sachin Singh Rajput})

Order on Board

22.09.2026

- 1) This civil revision under Section 115 of the Civil Procedure Code, 1908 has been filed by the applicant assailing the validity, correctness and judicial propriety of award dated 22.01.2026 passed by the 8th Additional Motor

Accidents Claims Tribunal (for short “claims tribunal”), District – Bilaspur, C.G. in Claim Case No.1938/2024.

- 2) By the award impugned, learned claims tribunal has awarded the compensation of Rs.25,000/- with 9% interest in favour of the respondent no.1/claimants on account of injury sustained by him in an accident which occurred on 10.05.2024 by rash and negligent driving of the offending vehicle – motor cycle bearing registration No. CG 10 BJ 1792, driven and owned by respondent No.2. A claim application under Section 166(3) of the Motor Vehicles Act, 1988 (for short “MV Act”) has been filed by the Respondent No.1 for seeking compensation of Rs.18,20,000/-. The claim application was resisted by driver/owner and the insurance company of the offending vehicle. It was pleaded by the insurance company that the offending vehicle was driven in violation of terms and conditions of the Insurance Policy and the driver was not holding valid and effective driving license.
- 3) The learned Claims Tribunal framed the issues on the basis of the above broad pleadings and on assessment of the evidence available on record, awarded the aforesaid compensation in favour of Respondent No. 1/claimant. However, Issue No. 2, relating to the violation of the terms and conditions of the insurance policy was found to be proved. Therefore, the Insurance Company was exonerated from the liability to pay the compensation. However, the learned Claims Tribunal also directed that Insurance Company shall pay the amount of compensation and then recover from the driver and owner of the offending vehicle.
- 4) Shri K.P.S. Gandhi, learned counsel for the applicant submits that the Tribunal erred in passing the order of pay and recover. He submits that after the amendment in the Motor Vehicle Act, 1988, the insurance company cannot be

validated to first pay the amount of compensation and then recover it from the driver/owner of the offending vehicle.

- 5) Heard learned counsel for the applicant.
- 6) Taking into consideration that the learned claims tribunal has awarded only compensation of Rs.25,000/- on account of injury sustained by the respondent No.1/claimant and further taking into consideration that a meagre amount of compensation has been awarded, this Court is not inclined to disturb the findings recorded by the learned claims tribunal directing the insurance company to pay the compensation amount firstly and then to recover it from respondents/owner – driver of the offending vehicle.
- 7) In view of the above, this civil revision stands **dismissed**.

Sd/-
({Sachin Singh Rajput}
JUDGE

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