CGHC010399352026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 951 of 2026

1 - Smt. Hamin Ghankhar D/o Ghansyam Aged About 40 Years R/o Rewadhih, Rajnandgaon, Tehsil And District Rajnandgaon Chhattisgarh.

2 - Ghansyam Ghankhar S/o Jhaduram Ghankhar, Aged About 48 Years R/o Rewadhih, Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

3 - Nandani W/o Manoj Aged About 25 Years R/o Rewadhih Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

4 - Manisha D/o Ghansyam Aged About 23 Years R/o Rewadhih Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

5 - Nisha D/o Ghansyam Aged About 18 Years R/o Rewadhih Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

6 - Hathiyarin Bai Ghankhar W/o Late Jhaduram Aged About 70 Years R/o Rewadhih Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

... Applicants

versus

1 - Ramgopal Yadav S/o Arjun Lal R/o Ward No. 04, Post Office Chowk, Dongargaon, Road, Chhurriya, District Rajnandgaon Chhattisgarh. --**(Owner)**

2 - Branch Manager Oriental Insurance Company Limited Beside, LIC Office Near Railway Station Rajnandgaon, District Rajnandgaon Chhattisgarh----**(Insurer)**

... Respondents

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Date: 2026.10.12 19:07:33 +0530

For Applicants	:	Mr. Aditya Bhardwaj, Advocate.
For Respondent No.1	:	Mr. Keshav Dewangan, Advocate.
For Respondent No.2	:	Mr. Raj Awasthi, Advocate.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

12/10/2026

1. The applicants have filed present MCC for modification of order dated 28.09.2026 passed in MAC No.2024/2023 with regard to *'pay and recover'* of the award amount.

2. Learned counsel for the appellants submits that although the appellants' prayer for a direction to the insurer to *pay and recover* was duly recorded in paragraph 6 of the order dated 28.09.2026, the same has inadvertently not been considered in the operative paragraphs 16 and 17. He further submits that such modification would not alter the quantum of compensation or any other findings recorded in the order but would merely rectify an inadvertent omission. Therefore, learned counsel prays that the order dated 28.09.2026 may be suitably modified by incorporating a direction for *pay and recover*.

3. Learned counsel for respondent No.1 and 2 have duly assisted the Court.

4. Upon perusal of the order dated 20.10.2023 passed in

Claims Case No. 112/2021, it is evident that the learned Tribunal, having recorded a breach of the policy condition relating to the driving license, exonerated the insurance company from its liability. Further, in the order dated 28.09.2026 passed in MAC No.2024/2023, the submission seeking an appropriate direction for *pay and recover* was duly recorded in paragraph 6; however, no such direction was incorporated in the operative paragraph 16 of the order. Thus, the omission appears to be inadvertent on the face of the record, which need to be rectified, in the interest of justice.

5. Accordingly, the order dated 28.09.2026 passed in MAC No.2024/2023 is modified and para 16 of the said order be read as under :-

> *"16. In view of the aforesaid analysis, the amount of compensation of Rs.16,89,800/- awarded by the Claims Tribunal is enhanced to Rs.20,03,760/-. Hence, after deducting the amount of Rs.16,89,800/-, the appellants are held entitled for an additional amount of* ***Rs.3,13,960/-****. The additional amount of compensation shall carry interest @ 6% per annum from the date of filing of the claim application before the Claims Tribunal till its realization. As prayed by the appellants and in*

view of decision of Hon'ble Suprme Court in the matter of ***Rama Bai Vs. Amit Minerals through Incharge Officer/Competent Officer and Another***[1] *governing the issue of breach of policy condition of driving license & pay and recover of amount of compensation, it is directed that the amount of compensation shall be paid by respondent No.2/Insurance Company in the first instance, with liberty to recover the same from respondent No.1/owner of the offending vehicle, in accordance with law. Rest of the conditions of the impugned award shall remain intact."*

6. The present MCC is allowed and the order dated 28.09.2026 is modified to the extent indicated herein above. Rest of the condition of the order dated 28.09.2026 shall remain intact.

7. This order shall form part and parcel of order dated 28.09.2026 passed in MAC No.2024/2023.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

pekde

1 (2025) SCC OnLine SC 2067