



CGHC010129272019



2026:CGHC:31687

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 761 of 2019

1 - Branch Manager, Iffco Tokio General Insurance Company Ltd. Iffco Tokio General Insurance Company Ltd. Galaxy Heights, 1st Floor, Vyapar Vihar Road, Tahsil And District Bilaspur Chhattisgarh.(Insurer Of Motor Cycle No. Cg 12 U 1890), District : Bilaspur, Chhattisgarh

--- **Appellant(s)**

versus

1 - Tiharuram Kerketta S/o Kawai Ram Aged About 25 Years R/o Yadav Mohalla, Thana Civil Line, District Bilaspur Chhattisgarh.(Cycle No. C.G. 12 G 8898), District : Bilaspur, Chhattisgarh

2 - Bedilal Gond S/o Radhe Singh Gond Aged About 39 Years R/o Silli, Thana, Pali, Tahsil Pali, District Korba Chhattisgarh.(Driver Of Tractor Cg 12 U 1890), District : Korba, Chhattisgarh

3 - Santosh Kumar S/o Dhannulal R/o Silli Thana, Pali, Tahsil Pali, District Korba Chhattisgarh.(Owner Of Tractor Cg 12 U 1890), District : Korba, Chhattisgarh

4 - Branch Manager Hdfc Agro General Ekko Insurer Company Limited Devendra Nagar, Chawla Complex, Thana Devendra Nagar, Tashil Sendri, Thana Koni, Tashil And District Raipur Chhattisgarh.(Insurer Of Tractor Cg 12u 1890), District : Korba, Chhattisgarh

5 - Radheshyam Anant S/o Bhudram Anant R/o Village Sendri, Thana Koni, Tahsil And District Bilaspur Chhattisgarh.(Owner Of Moter Cycle Cg 12 G 8898), District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellant(s)	: Ms. Shrejal Gupta on behalf of Mr. Vaibhav Shukla, Advocates
For Respondent	: Mr. Ashish Pandey on behalf of Mr. N.K. Thakur, Advocates
No. 4	

MAC No. 239 of 2019

1 - Branch Manager H. D. F. C. Argo General Insurance Company Limited, Devendra Nagar, Chawla Complex, Thana Devendra Nagar, Tahsil And District Raipur Chhattisgarh (Insurer Of Vehicle Tractor No. Cg 12, U 1890), District : Raipur, Chhattisgarh

---Appellant(s)

Versus

1 - Tiharu Ram Kerketta S/o Kawai Ram Aged About 25 Years R/o Yadav Mohalla, Thana Civil Line, Tahsil And District Bilaspur Chhattisgarh.....(Claimant), District : Bilaspur, Chhattisgarh

2 - Bedilal Gond S/o Radhe Singh Gond Aged About 39 Years R/o Silli, Thana Pali, Tahsil And District Korba Chhattisgarh. (Driver Of Vehicle No. C.G. - 12-U-1890 And New Sold Trolley)., District : Korba, Chhattisgarh

3 - Santosh Kumar S/o Dhannulal, R/o Silli, Thana Pali, Tahsil And District Korba Chhattisgarh (Driver Of Vehicle Tractor No. Cg 12, U 1890), District : Korba, Chhattisgarh

4 - Radheshyam Anant S/o Bhauram Anant, R/o Village Sendri, Thana Koni, Tahsil And District Bilaspur Chhattisgarh (Owner Of Vehicle New Sold Trolley), District : Bilaspur, Chhattisgarh

5 - Branch Manager Iffco Tokio General Insurance Company Office Galaxy Heights, 1st Floor Vyapar Vihar Road, Tahsil And District Bilaspur Chhattisgarh (Insurer Of Vehicle New Sold Trolley), District : Bilaspur, Chhattisgarh

--- Respondent(s)

For Appellant(s)	: Mr. Ashish Pandey on behalf of Mr. N.K. Thakur, Advocates
For Respondent(s)	: Ms. Shrejal Gupta on behalf of Mr. Vaibhav Shukla, Advocates

SB – Honb’le Shri Justice Sanjay K. Agrawal

Judgment on Board

24/07/2026

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 No. 761/2019 has been preferred by the appellant/Insurance Company – Iffco Tokio General Insurance Company (in short “Iffco Tokio”), Insurer of the Trolley, whereas MAC No. 239/2019 has been preferred by the appellant/Insurance – HDFC Agro General Insurance Company

(in short “HDFC Agro”), Insurer of the Tractor bearing Registration No. CG 10 W 1004, against the impugned award dated 22/09/2018 passed by learned 8th Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 55/2016 whereby compensation of Rs. 11,95,324/- has been awarded in favour of the claimant – Tiharuram Kerketta for the injuries suffered by him and the liability of payment of compensation has been fastened upon both the Insurance Companies to the extent of 50% each.

3. Learned counsel for the appellant/Insurance Company – Iffco Tokio in MAC/761/2019 would submit that the accident in question occurred with the Tractor and not the Trolley, therefore, they are not liable for payment of compensation to the claimant.
4. Learned counsel for the appellant/Insurance Company – HDFC Agro in MAC/239/2019 would submit that the Tractor and Trolley were attached together and they were in a moving condition at the time of the accident, therefore, they have to be considered as a single vehicle and as such, the Claims Tribunal has rightly fastened the liability of payment of compensation upon both the Insurance Companies to the extent of 50% each, however, the amount of compensation granted by the Claims Tribunal is on the excessive side and is liable to be reduced.
5. I have heard learned counsel for the parties, considered their submissions made herein-above and went through the record

with utmost circumspection.

6. So far as the question of liability of payment of compensation is concerned, it is not in dispute that the accident in question occurred with the Tractor while the Trolley was attached to it and both the Tractor as well as Trolley were in a moving condition. The Trolley cannot be moved without the Tractor and as such, in such a situation, the Tractor and Trolley should be seen as a single vehicle. Thus, learned Claims Tribunal has rightly fastened the liability of payment of compensation upon both the Insurance companies to the extent of 50% each.
7. Now, so far as the question of quantum of compensation is concerned, a careful perusal of the impugned award would show that the Claims Tribunal has granted compensation of Rs. 10,01,549/- for loss of income, Rs. 1,73,775/- for medical expenses, Rs. 5,000/- for nutritional food, Rs. 5,000/- for transportation and Rs. 10,000/- for mental agony, thereby granted a total compensation of Rs. 11,95,324/- in favour of the claimant for the injuries suffered by him, which in my considered opinion, is absolutely just and proper considering the fact that on account of the accident, claimant suffered fractures in his right leg and right hand and remained hospitalized for one month. As such, the impugned award passed by learned Claims Tribunal is absolutely in accordance with law. I do not find any merit in these appeals.

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

Sd/-

(Sanjay K. Agrawal)

JUDGE

Harneet