



CGHC010116302020



2026:CGHC:33182

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HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 720 of 2020**

1 – Ishwerlal, S/o. Lt. Shanker Lal Soni, Aged About 49 Years, R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker, Chhattisgarh, At Present R/o. Sadar Bazar Road, Raipur (Near Jain Temple), Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh.

2 - Smt. Usha, W/o. Ishwerlal Soni, Aged About 46 Years, R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker, Chhattisgarh, At Present R/o. Sadar Bazar Road, Raipur (Near Jain Temple), Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh.

3 - Ku. Puja, D/o. Ishwerlal Soni, Aged About 21 Years, R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker, Chhattisgarh, At Present R/o. Sadar Bazar Road, Raipur (Near Jain Temple), Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh.

4 - Ku. Yogita, D/o. Ishwerlal Soni, Aged About 18 Years, R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker,

Chhattisgarh, At Present R/o. Sadar Bazar Road, Raipur (Near Jain Temple), Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh.

5 – Ghanshyam, S/o. Ishwerlal Soni, Aged About 15 Years, Minor Through Natural Guardian Father Ishwerlal, Aged About 49 Years, S/o. Late Shanker Lal Soni (Appellant No.1) R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker, Chhattisgarh, At Present R/o. Sadar Bazar Road, Raipur (Near Jain Temple), Police Station City Kotwali, Raipur, District Raipur, Chhattisgarh

--- **Appellants**

versus

1 - Banshilal Soni, S/o. Late Shanker Lal Soni, R/o. Village And Post Sambalpur, Police Station Bhanupratappur, District Kanker, Chhattisgarh, (Owner Of Car No. C.G. 04 KZ 8875)

2 - I.C.I.C.I. Lombard General Insurance Co. Ltd. Through In Charge Officer I.C.I.C.I. Lombard General Insurance Co. Ltd. Chawala Complex, Devendra Nagar Road, Raipur, Police Station Devendra Nagar, District Raipur, Chhattisgarh (Insurer Of Car No. C.G. 04 KZ 8875).

--- **Respondents**

For Appellant	:	Mr. Kamlesh Patel, Advocate
For Respondent No.1	:	Mr. Bennoon, Advocate on behalf of Mr. Vikas Shrivastava, Advocate
For Respondent No.2	:	Mr. Sourabh Gupta, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

31.07.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred questioning the award dated 17.05.2019 passed by learned First Additional Motor Accident Claims Tribunal, Raipur, in Claim Case No.163/2016, by which the claim application of the claimants has been rejected.
2. Mr. Kamlesh Patel, learned counsel appearing for the appellants/ claimants, would submit that the learned Claims Tribunal absolutely unjustified in rejecting the claim application by recording a finding which is perverse to the record, therefore, the appeal be allowed.
3. Mr. Sourabh Gupta, learned counsel appearing for the respondent No.2/ insurance company, would submit that since the deceased was driver hired by the owner of the vehicle, the liability of the insurance company would be limited to Rs. 2,00,000/-, as personal accident coverage is confined to Rs. 2,00,000/- vide Ex.D-1.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records minutely.
5. Since the deceased was hired driver of the owner of the vehicle and personal accident coverage has been issued vide Ex.D-1 restricting

the liability to Rs. 2,00,000/-, the claimants would be entitled for compensation amount of Rs. 2,00,000/- along-with interest @ 7.5% per annum from the date of filing of claim application before the Claims Tribunal till its realization. The respondent/ insurance company is directed to deposit the amount of compensation awarded by this Court within a period of 45 days.

6. Accordingly, this appeal is partly allowed to the extent as indicated herein above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok