



CGHC010074932023



2026:CGHC:34235

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 406 of 2023**

1 - Ravi Kumar Lodhi S/o Late Mr. Latel Lodhi, Aged About 50 Years, R/o Near Bajrang Bali Mandir, Shankar Nagar, Post And Thana-Simga, District- Balodabazar-Bhatapara, Chhattisgarh. Presently Reside C/o Salikram Verma (Lodhi), Village Niko Sankara, Raipur Tehsil And District- Raipur, Chhattisgarh.

... Appellant**versus**

1 - Birbal Lodhi S/o Latel Lodhi, Aged About 50 Years, R/o Ekta Nagar, Simga, Post Simga, Tehsil And District Balodabazar, Raipur, Chhattisgarh (Registered Owner Of Vehicle Motor Cycle No. C.G.-04, L.L-9935).

2 - The New India Insurance Company Limited Divisional Manager, Divisional Office, Madina Building, Jailroad, Raipur, Tehsil And District- Raipur, Chhattisgarh (Insurer Of Vehicle Motor Cycle No. C.G.-04, L.L-9935).

3 - Smt. Durgabai W/o Ravi Kumar Lodhi, Aged About 45 Years, R/o Shankar Nagar, Post And Police Station- Simga, District- Balodabazar, Chhattisgarh.

... Respondent(s)

For Appellant : Mr. Akhilesh Kumar, Advocate

For Respondents : None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****(05.08.2026)**

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") has been preferred by the

appellant/claimant challenging the impugned award dated 16.12.2022 passed by learned 09th Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Claim Case No. 845/2016, whereby the Claims Tribunal, while allowing the claim application filed by the claimant under Section 163A of the Act of 1988, has awarded compensation of Rs. 5,00,000/- with interest @7.5% per annum from 24.12.2016 in favour of the claimant. The liability for payment of the compensation has been fastened upon respondent No. 1; however, respondent No. 2/Insurance Company was directed to pay the awarded compensation and thereafter recover the same from respondent No. 1, the owner of the offending vehicle.

- 2.** Learned counsel for the appellant submits that the learned Claims Tribunal has erred in awarding inadequate compensation in the facts and circumstances of the case. It is, therefore, prayed that the present appeal be allowed and the compensation awarded by the learned Claims Tribunal be suitably enhanced.
- 3.** None appears on behalf of the respondents during final hearing of this case.
- 4.** I have heard learned counsel for the appellant, considered his rival submissions made herein-above and went through the records with utmost circumspection.
- 5.** In the instant case, the Claims Tribunal has awarded a total compensation of Rs.5,00,000/- in favour of the claimant which

is found to be fair, reasonable and proper warrants no interference by this Court particularly as per 2nd Schedule to Section 163A of the Act of 1988 and in view of the decision rendered by the Supreme Court in the matter of **New India Assurance Company Ltd. v. Urmila Halder**¹, the claimant was rightly held entitled to the fixed compensation of Rs. 5,00,000/-.

6. Accordingly, the instant appeal, being devoid of merit, is hereby **dismissed** at the admission stage.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

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