



2026:CGHC:26655

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 2020 of 2019**

- IFFCO - TOKIO General Insurance Company Ltd. Through Its Branch Manager, Shop No. 205. 2nd Floor, M.M. Silver Plaza, Near Mining Office, Mahaveer Nagar, Ring Road No. 1, Raipur Chhattisgarh. (Insurer Of Tractor No. C.G. 16 E 1920).

... Appellant**versus**

1. Smt. Meena W/o. Shiv Prasad Aged About 47 Years;
2. Ramesh S/o Shiv Prasad Aged About 22 Years;
Both respondents No.1 & 2 are R/o Village Jantipara, Pipar Bahra, Thana And Tahsil Khadgava Distt. Koriya Chhattisgarh.
3. Laxmi Babu S/o Bajilal Aged About 30 Years R/o Village Jantipara, Pipar Bahra, Thana & Tahsil Khadgava, Distt. Koriya Chhattisgarh....(Owner Of Tractor No. CG. 16 E 1920)
4. Mahendra Pratap Singh S/o Ram Singh Aged About 30 Years R/o Village Jantipara, Pipar Bahra, Thana And Tahsil - Khadgava, Distt. - Koriya Chhattisgarh....(Driver Of Tractor No. CG. 16 E 1920).

... Respondents

For Appellant	:- Ms. Shrejal Gupta, Advocate, appears on behalf of Mr. Vaibhav Shukla, Advocate.
For Respondents	:- None.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

30.06.2026

1. This appeal has been filed by the appellant/Insurance Company under Section 173 of the Motor Vehicles Act, 1988 (for short "Act of 1988") against the impugned award dated 04.05.2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Manendragarh, District Koriya, Chhattisgarh (for short "Claims Tribunal") in Claim Case No. 59/2017 whereby the Claims Tribunal allowed the claimants' application.
2. Ms. Shrejal Gupta, learned counsel for the appellant, would submit that deceased - Shiv Prasad Gond was traveling as gratuitous in the vehicle in question, therefore, Insurance Company is not liable to pay the compensation to the claimants.
3. Having considered the facts of circumstances of the case and after going through the records, it appears that the Claims Tribunal has applied principle of pay and recover and directed insurance company to pay compensation first and thereafter recover the same from the owner and driver of the offending vehicle. Furthermore, the Supreme Court in the matter of **Anu Bhanvara and others v. IFFCO TOKIO General Insurance Company Limited and another**¹ has

¹ (2020) 20 SCC 632

already held that if the deceased, who was traveling as gratuitous passenger, principle of pay and recover would be applied as held in the matter of **National Insurance Company Ltd. v. Swaran Singh and Others**². As such, the Claims Tribunal has rightly applied the principle of pay and recover in the instant appeal.

4. In view of the above, I do not find any merit in the instant appeal and, accordingly, the same is dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit

² (2004) 3 SCC 297