

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. /2026  
(@ SLP (C) NO. 25004/2025)

HEMLATA SAHU

Appellant(s)

VERSUS

AMIT MAHAWAR & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. Appellant challenges the judgment and orders dated 03.01.2025 titled "*Hemlata Sahu vs. Amit Mahawar & Ors.*" passed by the High Court of Chhattisgarh at Bilaspur in Appeal bearing MAC No. 1709 of 2016.
3. Having heard learned counsel for the parties, we are of the considered view that the impugned judgment warrants interference and as such we allow the present appeal on the following terms:
  - (i) There is no dispute about the occurrence of the accident; the fact that in the very same accident the pillion rider i.e. the successor in interest of the present claimant being the mother of the deceased.
  - (ii) In a Claim Petition preferred by the claimant, the Tribunal awarded an amount of Rs. 5,89,500/-, to be paid by the respective insurers, the owner(s) of the vehicle, along with interest @ 6% p.a. from the date of submission of claim petition till the date of payment. This was 50% of the total amount quantified to be Rs. 11,79,000/- for deduction necessitated as contributory negligence.
  - (iii) In an appeal preferred by the claimant, the amount stood

enhanced by a further sum of Rs. 2,01,600/-. However, the claimants were held entitled for only 50% of the total amount of compensation as determined, as the liability stood fastened upon the driver of the vehicle to the extent of 50%.

(iv) It is here that we find the Tribunal/Courts to have committed an error for no fault was either attributed or held to be that of the pillion rider, in the cause of occurrence of the accident.

(v) As such, the impugned judgment/order is modified to the extent that the liability to pay the compensation is solely that of the insurers and the claimants are entitled to the whole of the amount as determined by the Tribunal and further enhanced by the High Court.

(vi) Let the compensation amount as awarded by the Tribunal/modified by the High Court be paid to the claimants within a period of four weeks from today, failing which interest would be payable @ 8% p.a. Particulars of bank accounts be supplied by learned counsel for the petitioner to the learned counsel for the insurers.

4. Pending application(s), if any, shall stand disposed of.

..... J.  
(SANJAY KAROL)

..... J.  
(AUGUSTINE GEORGE MASIH)

New Delhi,  
27<sup>th</sup> January, 2026

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No(s). 25004/2025**

[Arising out of impugned final judgment and order dated 03-01-2025 in MAC No. 1709/2016 passed by the High Court of Chhattisgarh at Bilaspur]

**HEMLATA SAHU**

**Petitioner(s)**

**VERSUS**

**AMIT MAHAWAR & ORS.**

**Respondent(s)**

**IA No. 193721/2025 - EXEMPTION FROM FILING O.T.**

**Date : 27-01-2026 This matter was called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE SANJAY KAROL  
 HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**For Petitioner(s)** Mr. Kaustubh Shukla, AOR  
 Ms. Pushpanjali Singh, Adv.  
 Mr. Vipul Kumar, Adv.  
 Ms. Gursimrat Kaur, Adv.

**For Respondent(s)** Mr. Sameer Shrivastava, AOR  
 Ms. Priyanka Shrivastava, Adv.  
 Ms. Shruti Singh, Adv.  
 Mr. S.b Tiwari, Adv.

Mr. Rajesh Kumar Gupta, AOR  
 Ms. Jyoti Kaushik, Adv.

**UPON hearing the counsel the Court made the following  
 O R D E R**

1. Leave granted.
2. The appeal stands allowed, in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(KANCHAN CHOUHAN)  
 SENIOR PERSONAL ASSISTANT  
 [Signed Order is placed on the file.]

(ANU BHALLA)  
 COURT MASTER (NSH)