IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 19th OF NOVEMBER, 2025

CIVIL REVISION No. 1233 of 2025

SBI GENERAL INSURANCE CO. LTD.
Versus
DHARMENDRA UIKEY AND OTHERS

Appearance:

Shri Aditya Narayan Sharma - Advocate for petitioner.

ORDER

The present revision has been filed by the Insurance Company challenging the award passed by the Claims Tribunal, whereby the Tribunal has awarded compensation of Rs.36,770/- to the claimant-respondent.

2. The present revision under Section 115 of CPC has been filed against the award of Claims Tribunal on the sole ground that after amendment in the Motor Vehicles Act vide Amendment Act of 2019, Section 149 has been renumbered as Section 150 and the provision corresponding to Section 149(4) does not find place in the amended provision and, therefore, the Claims Tribunal, despite having found the vehicle to be run in breach of policy conditions, has erroneously passed an award against the Insurance Company and granted the liberty of *pay and recover*.

3. It is contended in this revision that pay and recover after the Amendment Act of 2019 cannot be ordered by the Claims Tribunal and the liability should have been imposed on the owner of the offending vehicle and direction of pay and recover could not have been passed by the Tribunal.

4. When this Court confronted the petitioner with the query that the award in this case is of a very low quantum and the litigation expenses of this case alone may be almost equal to the awarded amount for the petitioner itself apart from the litigation cost to be borne by the respondents in case this revision is entertained, the counsel for the petitioner submitted that since the issue raised is in larger interest and of larger importance, therefore, irrespective of quantum of compensation in this particular case, the Insurance Company has decided to challenge it.

5. The legislature has given the remedy of appeal under Section 173 of the Motor Vehicles Act against awards of Claims Tribunal and as per Section 173(2), appeal against an award of Tribunal is barred if the amount in dispute is less than Rs.10,000/- which has been enhanced to Rs.1.00 Lakh by the Amendment Act.

6. The question that whether once the legislature has refused to allow appeal for awards below Rs.1.00 Lakh, the Insurance Company or any other person can file revision against the award, was considered by a Special Bench of five-Judges of High Court in the case of ***National Insurance Company v. Shrikant Vinod Tiwari and others*, *2007 (2) J.L.J. 138***. At that relevant point of time, the threshold limit was Rs.10,000/- and the Special Bench came to conclusion that a party cannot be left remediless and since revision is not barred under the Motor Vehicles Act, 1988, therefore, the revision would lie under Section 115 CPC, though on limited grounds. The Special Bench held as under:-

> *"18. We may further reiterate that for examining the correctness of the award, scope of Section 115 CPC is limited and the award passed will not be disturbed unless following grounds are made out by the petitioner:*

(i) the award so passed is without jurisdiction or in excess of jurisdiction vested with the Tribunal.
(ii) the award so passed, if allowed to stand would occasion in failure of justice or cause irreparable injury to the party against whom it was made.

Some illustrations wherein the cases under these categories can be examined are as under:

(i) award where insurance policy has not been issued by the Insurance Company.
(ii) Tribunal has recorded a finding that injuries received by the Claimant are not caused during the use or arising out of use of motor vehicle yet compensation is awarded.
(iii) Where owner of the vehicle feels that Insurance Company has been improperly exonerated from payment of compensation.
(iv) Claimant may claim the amount of compensation such as loss of suffering or medical treatment which has not been awarded by the Claims Tribunal though sufficient evidence is available on record."

7. The Special Bench held that revision would not lie at the drop of a hat in routine matter but would lie only in special circumstances. This may be when the award is without jurisdiction or excess of jurisdiction, would occasion any failure of justice or cause irreparable injury to the aggrieved party, where the insurance policy was not issued by the Insurance Company, when despite finding that the injuries are not relatable to the motor vehicle yet compensation is awarded, where the owner has been cast upon liability by exonerating the Insurance Company or where the claimant may claim the quantum to be at lower side.

8. The Special Bench did not grant any liberty to the Insurance Company to file revisions as a matter of course in place of appeal which has been specifically barred by the Legislature. No doubt, the contention of learned counsel for the petitioner Insurance Company has substance that since the legal issue is involved in the matter of interpretation of amended Section 150

of the Act of 1988, therefore, the Insurance Company has filed revision. This ground would have impressed this Court only if it was the only case in which this legal issue had arisen and was required to be decided by this Court only. The learned counsel for the Insurance Company was not in a position to dispute that a number of appeals have been filed before this Court in the matter of interpretation of Section 150 and number of litigations are pending in that matter not only before this High Court but before other High Courts, and also before the Hon'ble Supreme Court and, therefore, it was not a case where if the award went unchallenged, the legal issue would have been settled against the Insurance Company. Nor it is a case where to get the legal issue settled, it was obligatory for the Company to have invoked the revisional jurisdiction of this Court in which case it could have been said in terms of paragraph 18(ii) of judgment of the Special Bench that the award would cause failure of justice or irreversible injury to the party against whom it has been made. It is not even a case of fraud, or of false implication, where the award if unchallenged, can be said to occasion failure of justice.

9. The Punjab and Haryana High Court recently in the case of **Nirbhai Singh and another vs. Darshan Singh @ Darshan Singh and others,** reported in **2025 SCC OnLine P & H 12450** has heavily deprecated the practice of filing revisions or petitions under Article 227 of the Constitution of India while holding that when statutory provisions prohibit filing of the statutory appeal, affected party cannot be permitted to circumvent statutory provisions of law by invoking the power of superintendence and accordingly the revision petition was held to be not maintainable. The Punjab and Haryana

High Court held as under:-

> *"3. Section 173(2) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the MV Act') stood amended w.e.f. 01.04.2022 and reads as under:*
>
> > *"(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than one lakh rupees."*
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> *4. A perusal of the above would show that the amount "ten thousand" rupees has been replaced by the amount "one lakh" and admittedly the amount of compensation awarded in the present case is **less than one lakh rupees.***
>
> *5. In the case of **Bharti AXA General Insurance Company Ltd. Vs. Sahab Singh & Ors. [CR-6131-2016 decided on 19.09.2016]**, a Coordinate Bench of this Court had observed that the plain and simple reading of sub-section 2 of Section 173 of the MV Act prohibits any person from challenging the award if the amount of compensation is less than the amount mentioned in the said provision. It was further observed that once statutory provisions prohibit the filing of the statutory appeal, the affected party cannot be permitted to circumvent the statutory provisions of law by invoking the power of superintendence under Article 227 of the Constitution of India and accordingly the revision petition was held to be not maintainable."*

10. In view of the aforesaid legal position as discussed by this Court above, it is clear that though the statutory mandate bars any challenge to the award which is less than Rs.1.00 Lakh, but since it has been held by a Special Bench of this Court in case of **National Insurance Company Limited (supra)** that in certain circumstances revision can lie and this Court has already reached a conclusion above that in the present case though a legal question of larger importance does arise, but since that question has already been raised in a number of matters before this Court and other High Courts and before the Hon'ble Supreme Court of India, therefore, it was not a case where despite small quantum being involved in the matter, any irreparable loss would have been caused to the Insurance Company by not challenging the award. The quantum in the present case is so less that the total cost of

litigation of this revision may be equal, if not more than the amount of award which will be incurred by the Insurance Company alone and taking into consideration the litigation cost to be incurred by the opposite party, the total litigation cost in the present case would far surpass the financial value of the award.

11. Therefore, this Court declines to entertain the present revision by leaving the legal issues open which have already been raised by the Insurance Company in various other cases.

12. With the aforesaid observations, admission is declined. The Revision is **dismissed.**

(VIVEK JAIN)
JUDGE

psm