



2026:CGHC:21109

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 493 of 2019**

ICICI Lombard General Insurance Company Limited, Through Its Legal Manager, Vanijya Bhawan, Ground Floor, Devendra Nagar, Raipur Chhattisgarh. (Insurer), District : Raipur, Chhattisgarh

... Appellant**versus**

1 - Smt. Gomti Bai, W/o. Kashiram Kanwar, Aged About 50 Years, Cast Kuwar (Diwan), R/o. Khatidih, Post Birkoni, P.S. Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

2 - Ku. Uttara Deewan, D/o. Late Kashiram Kanwar, Aged About 34 Years, Cast Kuwar (Diwan), R/o. Khatidih, Post Birkoni, P.S. Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

3 - Ajay Kumar Kanwar, S/o. Late Kashiram Kanwar, Aged About 31 Years, Cast Kuwar (Diwan), R/o. Khatidih, Post Birkoni, P.S. Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

4 - Manoj Singh, S/o. Bhikhari Singh, Aged About 36 Years, R/o. Ward No. 5 Nayapaa Mahasamund, Tahsil And District Mahasamund Chhattisgarh. (Driver)



5 - Govind Dewangan, S/o. Gulab Dewangan, R/o. Imlibhatha Mahasamund, Tahsil And District Mahasamund Chhattisgarh. (Owner)

6 - United India Insurance Co. Ltd. Through Its Divisional Manager, Krishna Complex, 1st Floor Kachahri Chowk, Raipur, Chhattisgarh. (Proposed Additional Party)

... Respondents

For Appellant	:	Ms. Harneet Kaur, Advocate on behalf of Mr. Sourabh Sharma, Advocate
For Respondent No.1 to 3	:	Mr. Bharat Rajput, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06.05.2026

1. The appellant/insurance company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 calling in question the legality, validity and correctness of the impugned award dated 28.01.2019 passed by learned Ist Additional Motor Accident Claims Tribunal, Mahasamund in MACT No.H-74/2017, by which the claim application of the claimants is allowed and liability has been fastened upon the insurance company to pay the amount of compensation.
2. Ms. Harneet Kaur, learned counsel appearing for the appellant/ insurance company, would submit that the vehicle was falsely



implicated as the vehicle was not involved in the accident in question, therefore, the impugned award deserves to be set aside.

3. Mr. Bharat Rajput, learned counsel for the claimants/ respondents No.1 to 3, would support the impugned award and submit that the appeal of the insurance company is liable to be dismissed.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.
5. A careful perusal of the written statement filed on behalf of the insurance company would show that no specific plea has been taken that the vehicle was falsely implicated in the accident in question and accident has not occurred from this vehicle. Even otherwise, the insurance company has examined Devendra Singh Saluja, Investigator, but he did not utter a word that the vehicle was falsely implicated in the accident except saying that there is four months delay in filing the FIR. However, the delay in filing the FIR cannot be a ground to reject the claim application in light of the decision of the Supreme Court in the matter of **Ravi v. Badrinarayan & Others**¹ in which Their Lordships in paragraph 17, 18 & 19 held as under :

1 (2011) 4 SCC 693



“17. It is well settled that delay in lodging the FIR cannot be a ground to doubt the claimant's case. Knowing the Indian conditions as they are, we cannot expect a common man to first rush to the police station immediately after an accident. Human nature and family responsibilities occupy the mind of kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the police station. Under such circumstances, they are not expected to act mechanically with promptitude in lodging the FIR with the police. Delay in lodging the FIR thus, cannot be the ground to deny justice to the victim.

18. In cases of delay, the courts are required to examine the evidence with a closer scrutiny and in doing so the contents of the FIR should also be scrutinised more carefully. If the court finds that there is no indication of fabrication or it has not been concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the claim case cannot be dismissed merely on that ground. The purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences.

19. Lodging of FIR certainly proves the factum of accident so that the victim is able to lodge a case for compensation but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reasons for it. There could be a variety of reasons in genuine cases for delayed lodgement of FIR. Unless kith and kin of the victim are able to regain a certain level of tranquility of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. In such circumstances, the authenticity of the FIR assumes much more significance than delay in lodging thereof supported by cogent reasons.”

As such, the delay in the lodging the FIR would not be a ground to set aside the impugned award.



6. In view of the above, neither the specific plea of false implication of the vehicle was taken in the written statement nor any evidence has been led on behalf of the insurance company to demonstrate the plea of false implantation of the vehicle in the accident in question. As such, I do not find any merit in this appeal, the same deserves to be and is accordingly dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok