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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1319 of 2024**

1 - Shriram General Insurance Company Limited Through Claim Mangaer, 4th Floor Maruti Heights, G.E Road, Raipur Tehsil And District Raipur (C.G.),...(Non-Applicant No. 3)

... Appellant (s)**versus**

1 - Smt. Rambha Bai Wd/o Late Gopal Ram Sahu Aged About 55 Years R/o Village Asoga, Post Ranitarai, Thana And Tehsil Patan, District Durg (C.G.),...(Claimants)

2 - Brijlal Sahu S/o Late Gopal Ram Sahu Aged About 35 Years R/o Village Asoga, Post Ranitarai, Thana And Tehsil Patan, District Durg (C.G.)

3 - Madhuraj Sahu S/o Late Gopal Ram Sahu Aged About 33 Years R/o Village Asoga, Post Ranitarai, Thana And Tehsil Patan, District Durg (C.G.)

4 - Kuldeep Sahu S/o Isuk Ram Sahu Aged About 22 Years R/o Ward No. 11, Devri, Tehsil Dhatmari, District Dhamtari (C.G.),...(Driver)

5 - Tirath Ram Sahu (Deleted) As Per Honble Court Order Dated 11-02-2026

6 - Jalam Singh Sinha S/o Baliram Sinha Aged About 34 Years R/o



Ward No. 13, Gautiyapara, Silghat, Post Semra, Tehsil Kurud, District
Dhamtari (C.G.)

... Respondent(s)

For Appellant	: Mr. Utsav Mahiswar, Advocate
For Respondents No.1 to 3.	: Ms. Mugda Sharma, Advocate holding brief of Mr. Anand Dadariya, Advocate
For Respondent No.6	: Ms. Juhi Pandey, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

26.02.2026

- 1) This appeal has been preferred by the appellant/insurance company under Section 173 of Motor Vehicle Act, 1988 assailing the award passed by learned Additional Motor Accident Claims Tribunal, Durg District Durg in Claim Case No. 167/2020 dated 02.04.2024 whereby learned Tribunal has passed an award to the tune of Rs. 8,36,400/- with interest @ 9% on account of death of Gopal Ram Sahu by fastening the liability upon the insurance company.
- 2) Facts of the case, in brief, are that on 08.05.2019 at around 07:00 AM the deceased was returning to his village Asoga on a motorcycle, when he reached near village Kohi, the driver of offending vehicle bearing Registration No. CG05 AC 5551 while driving rashly and negligently dashed the motor bike resulting fall of the deceased on road and subsequently he was ran over by a tractor bearing Registration No. CG04 LJ 3570. The claimant who are widow and two children of deceased filed claim case *inter alia*



the ground that at the time of accident the age of the deceased was 57 years & earning Rs.10,000/- per month. They claimed a sum of Rs.15,80,000/- before the Tribunal.

- 3) The appellant herein filed reply and denied averments made in the claim petition.
- 4) The Tribunal framed issues, parties led evidence and thereafter award was passed.
- 5) Mr. Maheshwar, Advocate for the appellant submits that the deceased met with an accident on 08.05.2019 whereas the First Information Report was lodged on 09.05.2019 against unknown vehicle. He would contend that the offending vehicle was implanted by the claimants to get compensation. It is also argued that the tractor involved in the said accident ran over the body of the deceased and it was the reason of his death and said vehicle was not insured He would pray to set aside the award.
- 6) Learned counsel for the respondent Nos.1 to 3 submits that the delay in lodging the First Information Report cannot be a ground to doubt the claimants' case. She has placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **Ravi Vs. Badrinarayan¹**. She would further contend that the learned Tribunal has granted just and proper compensation and appeal deserves to be dismissed.
- 7) Ms. Juhi Pandey, Advocate appearing on behalf of Respondent No.6 would submit that if two vehicles are involved in an accident,

1 (2011) 4 SCC 693



the claimants have the right to claim compensation from either of the vehicle as held by the Hon'ble Supreme Court in the matter of **T.O. Anthony vs. Karvarnan and Others²**.

- 8) I have heard learned counsel for the parties and perused the record with utmost circumspection.
- 9) In the present case, the motor bike of the deceased was dashed by offending force jeep, due to impact, the deceased fell down on the road and he was crushed by a tractor. FIR was lodged on 09.05.2019, thus, there was delay of 01 day in its registration but at the same time *merg* intimation was registered on 08.05.2019. The Police after investigation seized the offending vehicle on 09.12.2019 and arrested its driver. The owner of the offending jeep did not make any complaint before the superior police authorities against the registration of FIR, seizure of vehicle and arrest of driver.
- 10) The Hon'ble Supreme Court in the matter of **Ravi (supra)** held that delay in lodging the FIR cannot be a ground to doubt the claimant's case and deny justice to the victim and while doing so the contents of FIR should be scrutinized more carefully. Knowing the Indian conditions as they are, we cannot expect a common man to first rush to the police station immediately after an accident. It is also held that in cases of delay, the courts are required to examine the evidence also with a closer scrutiny. The Paragraphs 17, 18 & 19 of the judgment are reproduced

² (2008) 2 SCC 748



hereinbelow:-

“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 tranquillity 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.”



11) The Hon'ble Supreme Court in the matter of **T O Anthony**

(supra) has held that where a person is injured as a result of negligence on the part of two or more wrongdoers, such injury is said to have been caused on account of the composite negligence of those wrongdoers. In such a case, each wrongdoer is jointly and severally liable to the injured person for payment of the entire damages, and the injured person has the choice to proceed against all or any of them. The Paragraph 6 is reproduced hereinbelow:

“6. 'Composite negligence' refers to the negligence on the part of two or more persons. Where a person is injured as a result of negligence on the part of two or more wrong doers, it is said that the person was injured on account of the composite negligence of those wrong-doers. In such a case, each wrong doer, is jointly and severally liable to the injured for payment of the entire damages and the injured person has the choice of proceeding against all or any of them. In such a case, the injured need not establish the extent of responsibility of each wrong-doer separately, nor is it necessary for the court to determine the extent of liability of each wrong-doer separately. On the other hand where a person suffers injury, partly due to the negligence on the part of another person or persons, and partly as a result of his own negligence, then the negligence of the part of the injured which contributed to the accident is referred to as his contributory negligence. Where the injured is guilty of some negligence, his claim for damages is not defeated merely by reason of the negligence on his part but the damages recoverable by him in respect of the injuries stands reduced in proportion to his contributory negligence.”

12) Taking into consideration the facts of the present case and the



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law laid down by the Hon'ble Supreme Court in the matters of **Ravi (supra)** and **T O Anthony (supra)** I am of the opinion that no case is made out for interference.

13) Accordingly, the appeal fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Saxena