



2026:CGHC:13685

MAC No. 1933 of 2019



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1933 of 2019

- ICICI Lombard General Insurance Company Limited
Through Its Legal Manager, Vanijya Bhawan, Ground Floor,
Devendra Nagar, Raipur, Chhattisgarh.

... Appellant

versus

1. Upendra Sahu S/o Late Sukhram Sahu, Aged About 18
Years;
2. Surendra Sahu S/o Late Sukhram Sahu, Aged About 16
Years, Being Minor Represented Through Brother Gendram
Sahu, Respondent No.3;
3. Gendram Sahu S/o Late Sukhram Sahu, Aged About 24
Years;

All are R/o Village Ameri, Post Office Tekari Kunda, Police
Station Mandir Hasaud, District Raipur, Chhattisgarh.

4. Devendra Kumar Verma S/o Narayan Prasad Verma, R/o
Village Ameri, Post Office Tekari Kunda, Police Station
Mandir Hasaud, District Raipur, Chhattisgarh.

... Respondents

For Appellant :- Mr. Sourabh Gupta, Advocate, on
behalf of Mr. Sourabh Sharma,
Advocate.

For Respondent No.4 :- Ms. Swati Rani Saraf, Advocate, on
behalf of Mr. Devershi Thakur,
Advocate.



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

23.03.2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short “Act of 1988”) has been preferred by the appellant/Insurance Company calling in question the legality, validity and correctness of the impugned award dated 11.04.2019 passed by the 4th Additional Claims Tribunal, Raipur of the 1st Additional Motor Accident Claims Tribunal, Raipur, District Raipur, Chhattisgarh (for short “Claims Tribunal”) in Claim Case No. 167/2017 whereby learned Claims Tribunal has allowed the claim application filed under Section 163(A) of the Act of 1988 and awarded a sum of ₹5,00,000/- as compensation along with interest to the claimants by fastening the liability upon the appellant herein.
2. Mr. Sourabh Gupta, learned counsel for the appellant/Insurance Company, would submit that the accident occurred on 31.06.2015 and the FIR was registered on 10.09.2015 with a delay of 72 days, and therefore, false case has been registered by the claimants



as the vehicle was falsely implanted, as such, the appellant is not liable to pay compensation to the claimants.

3. Ms. Swati Rani Saraf, learned counsel for the respondent, would oppose the submission raised by learned counsel for the appellant and support the impugned award.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records precisely.
5. The plea that the vehicle was falsely implanted is based upon the reason that there was delay of 72 days in lodging the FIR as the accident occurred on 31.06.2015 and the FIR was registered on 10.09.2015. However, it is well settled law that the delay in lodging the FIR cannot be a ground to doubt on the claimant's case or to dismiss claim petition in light of decision of the Supreme Court in the matter of **Ravi v. Badrinarayan and others**¹ in which their Lordships of the Supreme Court have held as under:-

“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

¹ (2011) 4 SCC 693



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.”

6. In view of the aforesaid legal position, delay in lodging the FIR cannot be a ground for dismissing the claim case and even otherwise, there is no such plea of falsely implantation



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of the vehicle has been taken by the Insurance Company/
appellant herein in the written statement. As such, I do
not find any merit in present appeal, accordingly, the
appeal is dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit