CGHC010039912024 2026:CGHC:46755

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 321 of 2024

1 - Branch Manager, I Ci Lombard General Insurance Company Limited Branch Office Near Ambedkar Chowk, Above Shriram Finance, Ambikapur, Police Station Gandhinagar, District Surguja C.G. At Present, Branch Manager, I C I C I Lombard General Insurance Company Limited, 5th Floor, Sky Park, Infront Of Bhatiya Hospital, Civil Line, Raipur, Chhattisgarh (Insurer Of Motor Cycle No. C G 15 / D N 1098).

... Appellant

versus

1 - Savita Singh W/o Late Manoj Kumar Singh Aged About 30 Years Profession- Service, R/o Village- Pampapur (Pakshidand), Police Station And Tehsil Pratappur, District- Surajpur, Chhattisgarh. (Claimants).

2 - Sigaro Ayam W/o Mohlal Ayam (Husband) Profession- Housewife, R/o Village- Pampapur (Pakshidand), Police Station And Tehsil Pratappur, District- Surajpur, Chhattisgarh. (Claimants).

3 - Mohlal Atmaaj - Late Achambhit Ayam Aged About 62 Years Profession- Agriculture, R/o Village- Pampapur (Pakshidand), Police Station And Tehsil Pratappur, District- Surajpur, Chhattisgarh. (Claimants).

4 - Nishant Manoj Kumar S/o Late Manoj Kumar Singh Aged About 5 Years Occupation- Nathing, Non Applicant No. 4 Is Minor Hence Through The Res. No. 1 Mother, R/o Pampapur (Pakshidand), Police Station And Tehsil Pratappur, District Surajpur, Chhattisgarh (Claimants).

5 - Prafullsheel S/o Premchand Sheel Aged About 40 Years Profession- Agriculture, R/o Village- Turrapani, Police Station- Gandhinagar, Ambikapur, District Surguja, Chhattisgarh. (Driver / Owner Of Motor Cycle No. C G 15/ D N / 1098).

... Respondent(s)

For Appellant : Mr. Harshmander Rastogi, Advocate
For Respondents : None

Hon'ble Shri Justice Sanjay Kumar Jaiswal, J.
Order on Board
(04.11.2026)

1. This is an insurer appeal challenging the award dated 26.10.2023 passed by Motor Accident Claims Tribunal, Ambikapur (Sarguja) (C.G.) in Claim Case No. 117/2022 awarding a total compensation of Rs.59,14,149/- with interest @ 7% per annum, from the date of application till its realization, in favour of the claimants for their irreparable loss.

2. Learned counsel for the appellant/Insurance Company submits that there was an unexplained delay of about 49 days in lodging the FIR, as the accident allegedly took place on 30.03.2022, whereas the FIR was lodged on 19.05.2022, which casts serious doubt on the involvement of the offending vehicle. He further submits that the offending vehicle was seized on 13.06.2022 and that the appellant had filed an application before the learned Claims Tribunal for summoning the Investigating Officer, which was rejected vide order dated 11.08.2023. He, therefore, contends that the learned Claims Tribunal has erred in passing the impugned award by holding that the vehicle in question was involved in the accident. On these grounds, he prays for allowing the appeal.

3. None appears on behalf of the Respondents during final hearing of this case.

4. Heard learned counsel for the appellant and perused the record with utmost circumspection.

5. So far as the main ground of challenge to the impugned award regarding the non-involvement of the offending vehicle in the accident is concerned, it is evident from the record that the police, upon investigation into the accident, filed a charge-sheet against the driver of the offending vehicle bearing Registration No. CG-15-DN-1098, namely, Prafullsheel. The claimants have examined two witnesses in support of their case; however, neither the driver nor the owner of the offending vehicle has been examined. Further, the appellant/Insurance Company has

also not examined any witness on its behalf. It is pertinent to note that the order dated 11.08.2023, whereby the application filed by the Insurance Company was rejected, was not challenged by the appellant, whereas the impugned award was passed on 26.10.2023. Further, there is no evidence on record to disbelieve or rebut the charge-sheet filed by the police pursuant to the investigation. In such a situation, it cannot be accepted that the offending vehicle was not involved in the accident merely on the ground that the FIR was lodged after about 49 days and the seizure was made after about two and a half months of the accident. Hence, the ground of the Insurance Company regarding non-involvement of the offending vehicle in the accident is not acceptable.

6. In that view of the matter, the finding of the Tribunal is found to be justified and the same does not require any interference.

7. Accordingly, the present appeal of the Insurance Company being devoid of merit is hereby **dismissed**.

Sd/-
Sanjay Kumar Jaiswal
Judge

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