

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 706/2023

Satyendra Kumar S/o Sumer Singh, Aged About 30 Years,
Resident Of Village Rajwada Thana And Tehsil Mundawar,
Distt. Alwar.

----Appellant

Versus

1. Kaasam Khan S/o Kadku Khan, R/o Khanpur Mewan
Tehsil Kishangarhbas Distt. Alwar(Driver Trola No. RJ-
14-GB-3869).
2. Roshan Lal S/o Leela Ram, R/o Pawala Rajput, Tehsil
Kotputli, Distt. Jaipur (Owner Trola No. RJ-14-GB-
3869)
3. Chola Mandlam Ms General Insurance Company
Limited, Through Branch Manager, Branch E-52-Arg
Building, Chitranjan Marg, C-Scheme, Jaipur (Ins. Co.
Trola No. RJ-14-GB-3869).

----Respondents

For Appellant(s)	:	Mr. Ram Sharan Sharma
For Respondent(s)	:	Mr. Brahma Prakash Mr. Sanjay Gurjar with Mr. Ritesh Kumawat

JUSTICE ANOOP KUMAR DHAND

Order

16/02/2026

1. By way of filing the instant civil misc. appeal, a challenge has been led to the impugned judgment/award dated 02.02.2023 passed by the Motor Accident Claims Tribunal, Mundawar, District Alwar (for short, 'the Tribunal') in MAC Case No.121/18, by which the claim petition submitted by the appellant-claimant (hereinafter referred to as 'the claimant') has been rejected.

2. Learned counsel for the claimant submits that the claimant met with an accident in the intervening night of 01/02.11.2014 at about 01.00 AM, when he was going on a motorcycle along with Jitendra from Mirjapur to Jaguwas. He submits that a trolly bearing No.RJ-14-GB-3869 caused the said accident by striking the motorcycle of the claimant due to rash and negligent driving of the vehicle by the driver. The accident was caused by the driver of by driving the vehicle in rash and negligent manner. Counsel submits that the claimant has suffered several injuries on various parts of the body and he lost vision of his both eyes, for which a disability certificate has been issued by the Medical Board, which reflects that the claimant has suffered 100% permanent disability. Counsel submits that the factum of accident is not disputed, even then, the claim petition submitted by the claimant seeking suitable amount of compensation has been rejected, not on merits, but on a technical count that there is a delay of 22 days in lodging the FIR. Counsel submits that the claimant remained hospitalized for the intervening period, and thereafter, the FIR was registered. Counsel submits that the niceties of the said delay should not come in the way while deciding the claim petition submitted by the claimant in such like matter, hence, interference of this Court is warranted.

3. *Per contra*, learned counsel appearing on behalf of the respondents opposed the arguments raised by counsel for the claimant and submits that no record of hospitalization after 10.11.2014 has been produced on the record, while the FIR has

been registered on 24.11.2014. Counsel submits that no explanation about the inordinate delay of the intervening period of registering the FIR has been explained by the claimant before the Tribunal. Counsel further submits that the investigation remained pending for a period of one year from the date of registration of the FIR and **abruptly** the said investigation was completed in one single day, which causes serious doubt about the factum of accident and these facts have been appreciated by the Tribunal, while rejecting the claim petition submitted by the claimant, hence, interference of this Court is not warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that an FIR has been registered on 24.11.2024, wherein, it has been alleged that the claimant met with an accident, which has been caused by the driver of the vehicle bearing No.RJ-14-GB-3869. This fact is not in dispute that the FIR has been registered after a delay of 22 days and during the course of investigation, a notice under Section 134 of the Motor Vehicles Act was given to the owner of the vehicle, wherein he has admitted the factum of accident caused by him. After usual investigation, the charge-sheet has been submitted against the driver of the offending vehicle before the competent Court of Law and the aforesaid claim petition was submitted by the claimant before the Tribunal seeking amount of compensation on account of the injuries suffered by him in the aforesaid road accident. This fact is not

in dispute that the claimant has suffered 100% disability and he has lost vision of his both eyes.

6. Now, the question remains for consideration of this Court is as to 'whether the claim petition can be rejected only on a technical count of delay i.e. 22 days in lodging the FIR after the aforesaid accident'.

7. It is settled proposition of law that the claim petition cannot be rejected on this technical count of slight delay in lodging the FIR.

8. The claimant has suffered several injuries on various parts of his body and he remained hospitalized for certain period. The claimant or his family members were not aware about the niceties of law and more particularly in the situation, wherein the claimant has suffered 100% permanent disability, therefore, delay in lodging the FIR is quite natural without understanding the consequences of the same. Thus, on the ground of delay in lodging the FIR, the claim petition cannot be rejected.

9. Hon'ble Apex Court in the case of **Ravi vs. Badrinarayan and Ors.** reported in **AIR 2011 SC 1226** has taken a similar view and it has been observed in para Nos.17, 18, 19 and 20, which reads as under:

"17. It is well settled that delay in lodging 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 scrutinized more carefully. If 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 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 variety of reasons in genuine cases for delayed lodgment 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.

20. In the case in hand, the Claims Tribunal as well as the High Court, committed grave error in not appreciating the mental agony through which Suresh was passing, whose son was severely injured. In the light of the aforesaid discussion, we are of the considered opinion that the MACT as well as High Court committed error in coming to the conclusion that lodging the FIR belatedly would result in dismissal of the claim petition."

10. The other objection taken by counsel for the respondent with regard to completion of investigation after one year, in one

single day, has no substance. In case, the investigation has been completed in a single day, that would not vitiate the same.

11. The driver of the vehicle would be at liberty to take all these objections before the competent Court of Law, where he is facing trial for the offences under Sections 279, 337 and 338 IPC.

12. Therefore, in view of the discussions made herein above and looking to the proposition of law as propounded by the Hon'ble Apex Court in the case of **Ravi vs. Badrinarayan and Ors.** (supra), the impugned judgment/award passed by the Tribunal is not sustainable in the eye of law and is liable to be and is hereby quashed and set-aside.

13. The matter is remitted to the Tribunal for its adjudication on merits and on the issues framed therein, after providing due opportunity of hearing to all the respective parties.

14. The parties are directed to appear before the Tribunal on 30.03.2026 and thereafter on the dates fixed by the Tribunal.

15. Office is directed to return the record to the Tribunal forthwith.

16. With the aforesaid observations, the instant appeal as well as the stay application along all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J