

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 1394/2023

Shyam Lal Yadav S/o Dataram Yadav, Aged About 30 Years, R/o Shuklawas, Tehsil Kotputli, District Jaipur, Rajasthan.

----Appellant

Versus

1. United India General Insurance Company Ltd., through Manager, Near Deewan Hotel, Kotputli, District Jaipur, Rajasthan through Regional Manager, Regional Office, Transport Nagar, Jaipur, Rajasthan. (Insurance Company Of Vehicle Trailer No. RJ-05-GB-6684).
2. M/s Navya Construction, Proprietor Vinod Kumar Sharma S/o Late Ladali Prasad Sharma, Aged About 42 Years, R/o Village Post Satoha, Goverdhan Road, Mathura, U.P. Presently R/o Anjeet Nagar, Bharatpur, Rajasthan. (Owner Of Vehicle Trailer No. RJ-05-GB-6684).
3. Vishnu Kumar S/o Satto, Aged About 23 Years, R/o Village Kodapura, Thana Gadhi Bajna, District Bharatpur, Rajasthan(Driver Of Vehicle Trailer No. RJ-05-GB-6684).

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 1202/2023

1. Smt. Jagan Devi W/o Late Gokul Chand Swami, Aged About 46 Years, R/o Swamipura, Devipura, Tehsil Shahpura, District Jaipur Presently R/o Dhani Ki Hiroda Ki, Tan Kansali, Kotputli, District Jaipur, Rajasthan.
2. Girraj Swami S/o Late Gokul Chand Swami, Aged About 25 Years, R/o Swamipura, Devipura, Tehsil Shahpura, District Jaipur Presently R/o Dhani Ki Hiroda Ki, Tan Kansali, Kotputli, District Jaipur, Rajasthan.
3. Krishna Kumar Swami S/o Late Gokul Chand Swami, Aged About 23 Years, R/o Swamipura, Devipura, Tehsil Shahpura, District Jaipur Presently R/o Dhani Ki Hiroda Ki, Tan Kansali, Kotputli, District Jaipur, Rajasthan.
4. Smt. Banarasi Devi W/o Late Chothudas Swami, Aged About 72 Years, R/o Swamipura, Devipura, Tehsil Shahpura, District Jaipur Presently R/o Dhani Ki Hiroda Ki, Tan Kansali, Kotputli, District Jaipur, Rajasthan.



----Appellants

Versus

1. United India Insurance Company Ltd., through Manager, Near Deewan Hotel, Kotputli, District Jaipur, Rajasthan through Regional Manager, Regional Office, Transport Nagar, Jaipur, Rajasthan. (Insurance Company Of Vehicle Trailer No. RJ-05-GB-6684).
2. M/s Navya Construction, Proprietor Vinod Kumar Sharma S/o Late Ladali Prasad Sharma, Aged About 42 Years, R/o Village Post Satoha, Goverdhan Road, Mathura, U.P. Presently R/o Anjeet Nagar, Bharatpur, Rajasthan. (Owner Of Vehicle Trailer No. Rj-05-Gb-6684).
3. Vishnu Kumar S/o Satto, Aged About 23 Years, R/o Village Kodapura, Thana Gadhi Bajna, District Bharatpur, Rajasthan.(Driver Of Vehicle Trailer No. RJ-05-GB-6684).

----Respondents

S.B. Civil Miscellaneous Appeal No. 1387/2023

Ambalal Gurjar S/o Ramnarayan, Aged About 34 Years, R/o Bhojpura, Tehsil Phagi, District Jaipur, Presently R/o Shakti Vihar, Kotputli, District Jaipur, Rajasthan

----Appellant

Versus

1. United India General Insurance Company Ltd., through Manager, Near Deewan Hotel, Kotputli, District Jaipur, Rajasthan through Regional Manager, Regional Office Transport Nagar, Jaipur, Rajasthan. (Insurance Company Of Vehicle Trailer No. RJ-05-GB-6684)
2. M/s Navya Construction, Proprietor Vinod Kumar Sharma S/o Late Ladali Prasad Sharma, Aged About 42 Years, R/o Village Post Satoha, Goverdhan Road, Mathura, U.P. Presently R/o Anjeet Nagar, Bharatpur, Rajasthan. (Owner Of Of Vehicle Trailer No. RJ-05-GB-6684)
3. Vishnu Kumar S/o Satto, Aged About 23 Years, R/o Village Kodapura, Thana Gadhi Bajna, District Bharatpur, Rajasthan. (Driver Of Vehicle Trailer No. RJ-05-GB-6684)

----Respondents

S.B. Civil Miscellaneous Appeal No. 1388/2023

Hariram Gurjar S/o Sojiram, Aged About 29 Years, R/o Bhojpura,

Tehsil Phagi, District Jaipur, Rajasthan Presently R/o Shakti Vihar,  
Kotputli, Rajasthan.

----Appellant

Versus

1. United India General Insurance Company Ltd., through  
Manager, Near Deewan Hotel, Kotputli, District Jaipur,  
Rajasthan through Regional Manager, Regional Office  
Transport Nagar, Jaipur, Rajasthan. (Insurance Company  
Of Vehicle Trailer No. RJ-05-GB-6684)
2. M/s Navya Construction, Proprietor Vinod Kumar Sharma  
S/o Late Ladali Prasad Sharma, Aged About 42 Years, R/o  
Village Post Satoha, Goverdhan Road, Mathura, U.P.  
Presently R/o Anjeet Nagar, Bharatpur, Rajasthan. (Owner  
Of Vehicle Trailer No. RJ-05-GB-6684)
3. Vishnu Kumar S/o Satto, Aged About 23 Years, R/o Vil-  
lage Kodapura, Thana Gadhi Bajna, District Bharatpur,  
Rajasthan. (Driver Of Vehicle Trailer No. RJ-05-GB-6684)

----Respondents

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|-------------------|---|--------------------------------------------------------------------------------------------------|
| For Appellant(s)  | : | Mr. Santosh Kumar Soni with<br>Ms. Shara P. Rajora                                               |
| For Respondent(s) | : | Mr. Rishipal Agarwal with<br>Mr. Mihir Jangid<br>Mr. Satya Pal Poshwal with<br>Mr. Harshit Mehta |

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**JUSTICE ANOOP KUMAR DHAND**

**Judgment**

**19/02/2026**

1. Since common question of law and facts are involved in  
these appeals, hence, with the consent of counsel for the parties,  
arguments have been heard together and these appeals are de-  
cided by this common order.
2. For convenience, the facts narrated in civil misc. appeal No.  
1394/2023 is taken into consideration. The instant appeal has

been preferred against the impugned judgment dated 01.04.2023 passed by the Motor Accident Claims Tribunal No. 1, Kotputali, District Jaipur in MAC case No. 289/2021 by which the claim petition submitted by the claimant has been rejected by this common order.

4. Learned counsel for the claimant-appellant (hereinafter referred to as "claimant") submits that on 19.12.2020, an accident was caused by a dumper bearing No. RJ-05-GB-6684 and the driver of the aforesaid offending vehicle was driving in a rash and negligent manner wherein Gokul Chand Swami sustained certain injuries and died on the spot and the injured Shayamlal was admitted in a hospital where his head was operated and Hariram the other injured and Ambalal were also admitted in the hospital. The treatment was provided to them for the injuries sustained by them. Counsel submits that the report of the aforesaid incident was lodged on 25.12.2020 and after investigation charge-sheet was submitted against the driver of the offending vehicle for the offences under Sections 279, 337 and 304A of IPC and thereafter, all these claim petitions were submitted before the Tribunal seeking suitable amount of compensation by different claimants.

5. Counsel submits that all the four claims have been rejected by the learned Tribunal on a technical ground of delay of 6 days in lodging the FIR. Counsel submits that a claim petition cannot be rejected on a technical ground rather the same should have been decided on merits by the Tribunal, hence such interference of this Court is warranted.

6. Per contra, learned counsels appearing on behalf of the respondents oppose the arguments raised by counsel for the claimant

and submitted that no justification has been provided for the inordinate delay of 6 days in lodging the FIR and the involvement of the fact is doubtful as the police reached on the spot immediately after the accident and the said offending vehicle was not seized by the police. Hence, involvement of the people appears to be doubtful and under these circumstances, the Tribunal has not committed an error in rejecting the claim petitions and the same needs no interference of this Court and the instant appeal is liable to be rejected.

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

8. Perusal of the record indicates that the claimant has met with an accident on 19.12.2020 wherein one person Gokul Chand Swami (deceased) has sustain certain injuries and he died on the spot and rest of the injured has sustained injuries and they were admitted in the hospital for their treatment. This fact is not in dispute that an FIR of the aforesaid incident has been registered after a delay of 6 days, i.e., 25.12.2020 and this fact is not in dispute that the offending vehicle was also seized on the said day.

9. The Tribunal has recorded a detailed finding about the involvement of the vehicle in question in the aforesaid incident and was of the view that when the accident occurred and the police came on the spot, then why the matter was not reported to the police and why the police has not seized the vehicle immediately on the spot. On this ground alone, the claim petition submitted by the claimant has been rejected.

10. In the considered view of this Court, when such unfortunate incident has occurred wherein one person has lost his eyes and

three persons have sustained grievous injuries on their vital parts of the body, it was not expected from the family members of the deceased and the injured to lodge an FIR first, and then take their family members to the hospital to save their lives which is precious. If the police came on the spot and did not record any incident in the *Rapat Roznamcha* and did not take any steps to seize the vehicle in question, the claimant cannot be blamed for the same, in case the police has failed to discharge its duties.

11. The niceties and the technicalities of the law with regard to slight delay in lodging an FIR are not required to be suffered in the case of accident claim cases. It is well proposition of law that the claim petition cannot be rejected on the technical ground of slight delay in lodging the FIR, the claimant belongs to a rural area and he is not aware about the niceties of the law and more particularly, in a situation where one of the close members of the family has passed away and the remaining members of the family has sustained grievous injuries. The delay in lodging the FIR is quite natural without understanding the consequences of the same. Thus, on the ground of the delay in lodging the FIR, the claim petition cannot be rejected.

12. The 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."

13. Thus in view of the above circumstances and looking to the proposition of law laid down by the Hon'ble Apex Court in the Case of **Ravi** (supra), the impugned judgment passed by the Tribunal is

not sustainable in the eyes of law and is hereby quashed and set aside and the matter is remitted to the Tribunal for its fresh adjudication on those merits and on the basis of the issues framed therein, after providing opportunity of hearing to all the respective parties.

14. The parties are directed to appear before the Tribunal on 02.04.2026 and thereafter, on the date fixed by the Tribunal.

15. The instant appeal is partly allowed.

16. Pending application(s), if any, stands disposed of.

**(ANOOP KUMAR DHAND),J**