



CNR: KAHC010142832017

NC: 2026:KHC:41970-DB
MFA No. 9380 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.9380 OF 2017
(MV-I)

BETWEEN:

SHIVA M @ SIVA MILA,
S/O CHANDRA MILA,
AGED ABOUT 25 YEARS,
R/AT NO.2/18, KOTHAPETA GOOTY,
ANDRAPRADESH - 515 401

...APPELLANT

(BY SRI. K.V.SHYAMA PRASADA, ADVOCATE)

AND:

1. MUSTHAQ PASHA,
S/O M. DASTAGIR SAB,
MAJOR,
NO.68, YALAGALAWADI,
HUTHRI DURGA HOBLI,
KUNIGAL TALUK,
TUMAKURU DISTRICT - 572 130.

2. M/S. UNITED INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE, KRUSHI BHAVAN,
5TH AND 6TH FLOORS, HUDSON CIRCLE,
BENGALURU - 560 001
REPRESENTED BY ITS MANAGER

...RESPONDENTS

(BY SMT. HARINI SHIVANAND, ADVOCATE FOR R2;
R1 - SD)

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT PRAYING TO SET ASIDE THE DISMISSAL OF THE AWARD PASSED BY THE COURT OF SMALL CAUSES AND MACT, BENGALURU, (SCCH-18) IN MVC NO.5601/2016 DATED 21.08.2017 IN ALLOWING THE APPEAL AND IN SETTING ASIDE THE DISMISSAL OF THE CLAIM PETITION AND IN AWARDING COMPENSATION TO THE APPELLANT AND IN THE INTERESTS OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the judgment and award dated 21.08.2017, in MVC No.5601/2016, passed by the Court of Small Causes And Motor Accident Claims Tribunal at Bengaluru (SCCH-16) (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the claim petition filed by the appellant/claimant has been dismissed.



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2. The learned counsel for the appellant/claimant submits that there is only one ground for challenge in the present appeal and that the case was dismissed as the FIR and complaint was registered after a six days delay. Further, the learned counsel for the appellant submits that it is a settled legal position of law that mere delay in lodging the FIR, could not by itself be a ground for dismissal of a claim petition.

3. The learned counsel for the respondent / insurance company fairly submits that in view of the finding on delay, no aspect of the claim petition has been adjudicated by the learned Tribunal. She submits that it would be apposite that the matter be remanded and the parties are given a fresh opportunity to adjudicate.

4. The suggestion of the learned counsel for the respondent/insurance company is acceptable to the learned counsel for the appellant who affirms that the matter be remanded for adjudication afresh.



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5. The Supreme Court in the judgment of **Ravi v. Badrinarayan and Others**¹ has held that delay in lodging an FIR cannot be a ground for dismissal of the claim petition. The relevant extract is below:

"7. 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."

[Emphasis Supplied]

6. Accordingly and given the consensus between the parties, the appeal is **allowed**. The matter is directed to

¹ (2011) 4 SCC 693



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be sent back to the learned Tribunal for a fresh adjudication of the 'Issues' that have already been framed by the learned Tribunal.

7. Both parties shall endeavour to lead their evidence within the next 3 months. Given the pendency of the matter for the last more than 9 years, the learned Tribunal is requested to decide the petition with expedition.

8. The parties shall appear before the learned Tribunal on **01.09.2026**.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

JJ
List No.: 1 Sl No.: 4