CNR: KAHC010247822018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 10084 OF 2018 (MV-I)

BETWEEN:

SRI. SHIVALINGAIAH.D
S/O DESAPPA,
AGED ABOUT 21 YEARS,
R/AT KOLAMARANAKUPPE,
LAKSHMIPURA POST, RAMANAGARA POST,
RAMANAGARA DISTRICT-562 159.

...APPELLANT

(BY SRI. VENUGOPAL.M.S., ADVOCATE)

AND:

1. THE NEW INDIA ASSURANCE COMPANY LTD.,
HEAD OFFICE AT NO.87, M.R.ROAD,
FORT, MUMBAI-400 001.
CLAIM ADDRESS:
NO.2-B, UNITY BUILDING ANNEXE,
P.KALINGA RAO ROAD, (MISSION ROAD),
BANGALORE-560 027.

2. SRI.RUDRA NAIK
S/O SAKKARA NAIK,
AGED ABOUT 56 YEARS,
R/AT RAYARADODDI VILLAGE,
RAYARADODDI POST,
RAMANAGARA TALUK AND POST,

Digitally signed by JAI JYOTHI J
Location: HIGH COURT OF KARNATAKA

RAMANAGARA-571 511.

3. SRI. SHIVA NAIK.R
S/O RUDRA NAIK,
AGED ABOUT 27 YEARS,
R/AT NO.122, WARD NO.27,
BHUBANESHWARI NAGAR,
RAYARADODDI, MAGADI ROAD,
RAMANAGARA DISTRICT-571 511.

…RESPONDENTS

(BY SRI. A.N.KRISHNASWAMY., ADVOCATE FOR R1;
R2 & R3-SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.09.2018 PASSED IN MVC NO.539/2017 ON THE FILE OF THE XXI ACMM & XXIII ASCJ, BENGALURU SCCH-25, DISMISSING THE CLAIM PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeal seeks to challenge an award dated 03.09.2018, passed in MVC No.539/2017, by the MACT, Court of Small Causes, Bengaluru [hereinafter referred to as the "Impugned Award"]. A claim petition

filed by the appellant/petitioner came to be dismissed. The learned Tribunal found that the appellant/petitioner was unable to prove the involvement of the vehicle and had colluded with the Police Officials.

2. None appears for respondent Nos.2 and 3 despite service and hence proceeded with as exparte. Given the pendency of this matter, this Court has heard the learned counsel for the appellant/petitioner and the insurance appellant and is taken up the matter for final disposal.

3. Briefly, the undisputed facts are that the on 28.05.2016 the appellant/petitioner was riding a motorcycle bearing registration No.KA-17-TU-9371 from his village. At that time, a Maruti Omni bearing registration No.KA-02-MD-4449, being driven by the driver (respondent no. 3) in a rash and negligent manner hit the vehicle of the appellant/petitioner. As a result of the accident, the appellant/petitioner fell down and sustained grievous injuries.

3.1 The appellant/petitioner was hospitalized and was treated as an inpatient from 28.05.2016 to 05.06.2016 at Narayan Hospital. A claim petition was filed under Section 166 of the Motor Vehicles Act, [hereinafter referred to as the 'MV Act']. It was stated therein that he was working as a Supervisor at Asian Fab Tec Limited and earning a sum of Rs.30,000/- per month. However, due to the accident he has become permanently disabled.

4. Respondent Nos.2 and 3 (driver and the owner of the offending vehicle) did not appear before the learned Tribunal despite summons and hence were proceeded with exparte. The respondent No.1 / insurance company filed its written statement denying the insurance policy, as well as challenging the issue of negligence.

5. Learned Tribunal based on the pleadings of the parties framed the following issues:

> *"1. Whether the petitioner proves that, he has sustained injuries on account of road traffic accident took place near Channenahalli, Ramanagara Taluk due to rash and negligent driving of the driver of the Maruti Omni*

Vehicle bearing Reg. No.KA-02-MD-4449 dated 28.05.2016 at about 8.45 a.m., as alleged in the petition?

2. Whether the Petitioner is entitled for Compensation? If so, what is the quantum? From whom payable?

3. What order or award?

6. To prove his case, the appellant appeared and examined himself as PW1 and marked 24 documents (Exhibits - P1 to P24), which included FIR (Exhibit-P1), Crime detail Form (Exhibit-P2), Spot Sketch (Exhibit-P3), IMV (Exhibit-P4) and also Order Sheet in Cr.No.100/2016 (Exhibit-P17), Order Sheet in CC No.908/2017 (Exhibit-P18), Charge-sheet (Exhibit-P19). He also examined Dr.Madhusudan as PW2 who produced two documents Exhibit-P25 and P26 being the X-ray and In-Patient Sheet. In addition, identity documents were also filed along with salary slips (Exhibit-P15) and medical documents (Exhibit-P10). The respondent/insurance company examined two witnesses and produced two documents. RW-1, Sri.B.B.Revanna, who is an Officer of the respondent/Insurance company and it is not disputed that

RW-2, who is one Mr.K.T.Varadaraju who is a Doctor has only affirmed to the fact that he has produced the MLC which is Exhibit R2.

7. Based on the evidence of the parties, the learned Tribunal found that the Police Intimation in Exhibit R1 and Exhibit R2, MLC, there was no vehicle number and it was written that 'hit by an unknown vehicle' and since the appellant/petitioner has not examined any independent witness and there is no evidence of the involvement of the vehicle, the claim petition was dismissed.

8. In addition, it was held that since there was a four days delay in lodging the First Information Report (FIR) and there is no explanation, the FIR appears to be an afterthought and since there was no eye-witness available, the involvement of the vehicle was not proved.

9. In view of the finding in issue No.1, the Court held that since the appellant/petitioner failed to prove the

involvement of the vehicle, rash and negligence could also not have been proved.

10. Learned counsel for the appellant submits that the Impugned Order suffers from an infirmity. He submits that the accident was not disputed, neither was the involvement of the vehicle. It is contended that relying on the FIR (Exhibit-P1), charge-sheet (Exhibit-P19) and the copy of the order sheet at (Exhibits P17), which were all produced before the learned Tribunal, it could not be said that there is no involvement of the offending vehicle. The learned counsel further seeks to rely upon the IMV report (Exhibit P4), which clearly sets out the involvement of the vehicle.

10.1 Secondly, he contends that it is a settled position of law that mere delay in filing the FIR by itself will not be ground for the dismissal of a claim petition. Learned counsel also points out to the findings of the Impugned Judgment, which essentially holds that the

appellant/petitioner has colluded with the Police Officials and to explain the presence of documents to submit that these are unnecessary.

11. Learned counsel for the respondent on the other hand submits that the Impugned Order does not suffer from any infirmity and there is a delay in lodging of the FIR, coupled with the fact that no eye-witness was produced would be fatal to the case of the appellant/petitioner. In addition, learned counsel submits that there is a clear finding of collusion of the appellant with the Police and since no Investigating Officers or others were not examined, the finding of the Impugned Award cannot be interfered.

12. At the outset, it is apposite to set out the position of law so far as concerns delay in filing an FIR. So far as concerns the aspect of delay in the matter, it is a settled law that mere delay will not defeat a claim. The Hon'ble Supreme Court has in the judgment in the case of ***Ravi***

vs. Badrinarayan And Others[1] held that it is well-settled that the delay in lodging an FIR cannot be a ground to doubt a claimant's case. The Supreme Court in the case of ***Ravi vs. Badrinarayan*** has held that given the conditions in India and the status of road accident victims, merely by stating that there is a delay in lodging an FIR cannot be a ground to dismiss the claim petition. The relevant extract is below:

> ***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 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]

[1] (2011) 4 SCC 693

13. In the present case, the FIR was lodged within four days of the accident. No doubt that no explanation for this delay is given. However, when a person is injured, his first effort would be to get to a hospital and obtain medical assistance. It is not disputed that the appellant/petitioner sustained head injuries and was hospitalized as an inpatient from 28.05.2016 to 05.06.2016. Despite his hospitalization, he has managed to file a Police Complaint. Given the settled legal position in this behalf and the documents produced, this Court finds that the delay is adequately explained.

14. So far as concerns, the contention of the Insurance Company that the vehicle was not involved, it is apposite to set out the IMV report. The IMV report which is dated 03.06.2016, clearly sets out the particulars of the vehicle, in the following terms:

GOVERNMENT OF KARNATAKA (TRANSPORT DEPARTMENT) MOTOR VEHICLE ACCIDENT REPORT	CR.NO.100/ 16 U/S: 279/337 OF IPC
1. From whom Requisition received :	*PSI Ramanagara Traffic Police Station, Ramanagara*

2.	*Date of Receipt of Requisition*	*:*	*On 03.06.2016*
3.	*Date and Place of Inspection*	*:*	*On 03.06.2016 at Ramanagara Traffic Police station premises*
4.	*Particulars of Vehicles*	*:*	
a.	*Number of the vehicles involve*	*:*	*One (1)*
b.	***Registration Number***	*:*	***KA-02-MD-4449***
c.	*Class of Vehicle*	*:*	*LMV*
d.	*Make*	*:*	*Maruthi Omni*
e.	***Colour***	*:*	***Grey***
5.	*Mechanical condition of the Vehicle*	*:*	*Damage* ***KA-02-MD-4449 1) Front bumper damaged, 2) Left side head light damaged, 3) Front wind screen glass damaged, 4) Front left side door damaged, 5) Front left side shape damaged, 6) Top body at left side damaged.***
6.	*Brake System*	*:*	*Tested the mv on road and found that the brake system were in order*
7.	*Observations made at the spot of the Accident*	*:*	*Nil*
8.	*Brief particulars of Cause of accident should be furnished*	*:*	*Iam of the opinion that this* ***accident is not due to any mechanical defects of the said vehicle.***
9.	*General Remarks of the Inspector*	*:*	*I.O. is requested to verify vehicle documents.*
	Date : 03.06.2016		
			Sd/- *T. Manjunatha* *Sr.Inspector of Motor Vehicles, R.T.O., Ramanagara*
Report forwarded to the circle / Sub-Inspector of Police : PSI Ramanagara Traffic Police Station			

[Emphasis Supplied]

14.1 The IMV report is as can be seen from the aforegoing extract. The vehicle particulars of the offending vehicle as are present in the IMV report. In addition, an examination of the Exhibit-P18, P19 and P20 (Copy of the Order Sheet Cr.No.100/2016, Copy of the order sheet in CC No.908/2017 and charge-sheet, respectively), references the presence of the driver of the offending vehicle as well.

15. It is settled legal position that the Motor Vehicles Act is a beneficial legislation. The cases under this MV Act are to be decided, based on the *'preponderance of probabilities'* and not as is done in criminal proceedings which is 'beyond reasonable doubt'. The MV Act is a beneficial legislation and the claimant is not required to prove beyond reasonable doubt as to involvement of the vehicle. The Supreme Court in ***Rajwati v. United India Insurance Co. Ltd.***[2], has also held that while dealing with compensation cases, it is the role of the Tribunal to award

[2] 2022 SCC OnLine SC 1699

just and fair compensation and a standard of proof such as beyond all reasonable doubt which is followed in criminal cases, is not requisite. The relevant extract is set out below:

> *"17. In the case of Shila Datta (Supra), this Court held as under:—*
>
> ***"10. A claim petition for compensation in regard to a motor accident (filed by the injured or in case of death, by the dependant family members) before the Motor Accident Claims Learned Tribunal constituted under Section 165 of the Act is neither a suit nor an adversarial lis in the traditional sense. It is a proceeding in terms of and regulated by the provisions of Chapter XII of the Act which is a complete Code in itself**. We may in this context refer to the following significant aspects in regard to the Learned Tribunals and determination of compensation by Learned Tribunals:*
>
> *…*
>
> ***(ii) The rules of pleadings do not strictly apply as the claimant is required to make an application in a form prescribed under the Act.** In fact, there is no pleading where the proceedings are suo moto initiated by the Learned Tribunal.*
>
> *…*
>
> *(vi) The Learned Tribunal is required to follow such summary procedure as it thinks fit. It may choose one or more persons possessing special knowledge of and matters relevant to inquiry, to the assist it in holding the enquiry (vide Section 169 of the Act)."*
>
> *18. Reference in this connection may also be made to the observations **made by this Court in the case of Sunita v. Rajasthan State Road Transport Corporation, wherein it was observed as under:—***
>
> *"It is thus well settled that in motor accident claim cases, once the foundational fact, namely, the actual occurrence*

of the accident, has been established, then the Tribunal's role would be to calculate the quantum of just compensation if the accident had taken place by reason of negligence of the driver of a motor vehicle and, while doing so, the Tribunal would not be strictly bound by the pleadings of the parties. ***Notably, while deciding cases arising out of motor vehicle accidents, the standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases."***

19. Similarly, in the case of Kusum Lata v. Satbir, this Court observed that it is well known that in a case relating to motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. The Court must keep this distinction in mind.

20. It is well settled that Motor Vehicles Act, 1988 is a beneficial piece of legislation and as such, while dealing with compensation cases, once the actual occurrence of the accident has been established, the Tribunal's role would be to award just and fair compensation. *As held by this Court in Sunita (Supra) and Kusum Lata (Supra), strict rules of evidence as applicable in a criminal trial, are not applicable in motor accident compensation cases, i.e., to say, "the standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases".*

[Emphasis Supplied]

16. Clearly, the learned Trial Court has examined the evidence placed before it on an incorrect supposition that these are criminal proceedings. The criminal proceedings in the jurisdiction Court have in fact led to the charge-sheet being filed, as well as the driver of the offending

vehicle/respondent No.1 accused admitting before the Criminal Court that he caused the accident.

17. The evidence produced by the appellant/petitioner was more than sufficient to satisfy the examination by the learned Tribunal. However, the learned Tribunal has not undertaken any examination based on a misapplication and misunderstanding of the law in this regard.

18. In view of the aforegoing discussions, this appeal is ***allowed***. The matter is remanded to the learned Tribunal for fresh adjudication, to examine afresh all evidence placed on record and to examine the evidence placed on record afresh and to pass an appropriate judgment in accordance with the settled legal position. Needless to add, the examination by the learned Tribunal shall be conducted based on the settled legal position.

19. Given the fact that the accident took place in the year 2016 and that it has been 10 years since, the learned

Tribunal is requested to expeditiously conduct the hearings. The learned counsel for the parties submits that they will not take any unnecessary adjournments before the learned Tribunal. The parties are bound down by the statement made by their counsel before this Court.

20. It is clarified that the examination by the learned Tribunal will be undertaken based on the evidence and documents that are already on record and no additional evidence will be placed on record by either party. Let the parties appear before the learned Tribunal on **25.11.2026**.

21. All pending applications stand closed.

Digitally signed by
TARA VITASTA GANJU
Location: HIGH COURT
OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 2 Sl No.: 6