



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 7TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 100814 OF 2015 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 100815 OF 2015 (MV-I)

IN MFA NO. 100814/2015:
BETWEEN:

SHRI SAGAR S/O RAMESH CHOUGULE
AGE: 31 YEARS, OCC: AGRICULTURE (NOW NIL),
R/O: TURKEWADI, TQ: CHANDGAD,
DT: KOLHAPUR, STATE MAHARASHTRA.

...APPELLANT

(BY SRI. B.M. PATIL, ADVOCATE)

AND:

1. SHRI MARUTI S/O BALACHANDRA PATIL
AGE: MAJOR, OCC: BUSINESS,
R/O: H.NO.258, KORAVI GALLI,
JUNE BELAGAVI, BELAGAVI-590005.
(OWNER OF MOTOR CYCLE NO.KA-22/ED-4127)

2. IFFCO TOKIO GENERAL INSURANCE CO. LTD.,
THROUGH ITS SERVICING OFFICE,
2ND FLOOR, SHIKSHAK VISHWAST MANDAL,
SHIKSHAK BHAVAN, COLLEGE ROAD, BELAGAVI.
(INSURER OF MOTOR CYCLE NO.KA-22/ED-4127
POLICY NO.86624900 VALID
FROM 08/02/2014 TO 07/02/2015)

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED)

THIS MFA IS FILED UNDER SEC.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 30.12.2014, PASSED IN
MVC.NO.809/2014, ON THE FILE OF PRESIDING OFFICER, FAST
TRACK COURT-I, & ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNALN BELAGAVI, THE PETITION IS HEREBY DISMISSED & ETC.



IN MFA NO. 100815/2015:
BETWEEN:

SMT. INDUBAI W/O GUNDU HARKARE,
AGE: 66 YEARS,
OCC: HOUSEHOLD WORK AND AGRICULTURE (NOW NIL),
R/O: MAJARE KARVE, TQ: CHANDGAD,
DT: KOLHAPUR, STATE: MAHARASHTRA.

...APPELLANT

(BY SRI. B.M. PATIL, ADVOCATE)

AND:

1. SHRI MARUTI S/O BALACHANDRA PATIL,
AGE: MAJOR, OCC: BUSINESS,
R/O: H.NO.258, KORAVI GALLI,
JUNE BELAGAVI, BELAGAVI-590005.
(OWNER OF MOTOR CYCLE NO.KA-22/ED-4127)

2. IFFCO TOKIO GENERAL INSURANCE CO. LTD.,
THROUGH ITS SERVICING OFFICE,
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SHIKSHAK BHAVAN, ROAD, BELAGAVI.
(INSURER OF MOTOR CYCLE NO.KA-22/ED-4127
POLICY NO.86624900 VALID FROM
08/02/2014 TO 07/02/2015)

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED)

THIS MFA IS FILED UNDER SEC.173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 30.12.2014,
PASSED IN MVC.NO.810/2014, ON THE FILE OF PRESIDING
OFFICER, FAST TRACK COURT-I, & ADDITIONAL MOTOR
ACCIDENT CLAIMS TRIBUNAL, BELAGAVI, THE PETITION IS
HEREBY DISMISSED & ETC.

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

CORAM: THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

These appeals are filed by the unsuccessful claimants/injured under Section 173(1) of the Motor Vehicles Act, 1988, challenging the dismissal of claim petitions in MVC No.809/2014 & 810/2014 on the file of learned Presiding Officer, FTC-I and Addl. MACT, Belagavi¹.

2. The parties would be referred to as per their rankings before the Tribunal, for the sake of convenience and clarity.

3. The case of the claimants in a nutshell before the Tribunal are that, on 21.03.2014, when both the claimants were standing by the side of the road in front of Grampanchayat Majare Karve, suddenly one motorcycle bearing registration No.KA-22/ED-4127 came from Belagavi side with high speed in a rash and negligent manner and while taking curve, the rider of the said motorcycle lost control over the vehicle and dashed to

¹ For short 'Tribunal'



both petitioners, who were standing by the side of road and caused accident. Due to the said impact, both the petitioners have sustained injuries and have taken treatment in different hospitals. Hence, they prayed for compensation under different heads.

4. On service of notice, respondent No.2/Insurer of motorcycle filed its statement of objections, denying the date, place and time of the accident and also the other factual aspects. Further, the insurer contended that there is collusion between the claimant and respondent No.1 with police officials and they got manipulated the complaint with false version. It was further contended that there is delay in lodging the complaint and no sufficient reasons are shown for such delay. Hence, prayed for dismissal of the claim petitions.

5. On behalf of the claimants, both claimants were examined as PW1 and PW2 respectively and examined one doctor as PW3, who treated the claimant in MVC No.810/2014 and got marked Ex.P1 to P61 and closed



their side. No evidence was let in on behalf of the respondents, however, insurance policy was marked as Ex.R1.

6. After verifying the pleadings of the parties, recording the evidence of both sides and on verifying the material on record, the Tribunal came to a conclusion that the claimants have failed to prove that they have sustained injuries in the alleged road traffic accident and thus, dismissed both the claim petitions.

7. Aggrieved by the said judgment and award, the claimants are before this Court in the aforesaid appeals.

8. Having heard the learned counsel Sri. B.M. Patil for the appellant/injured in both the cases and learned counsel Sri. R.R. Mane for the respondent/insurer, the only point that would arise for consideration is, *whether the claimants in both the appeals have made out a case that they have sustained injuries in the road traffic accident in question?*



9. Answer to the above point would be in the "negative" for the following reasons:

10. The case of claimants before the Tribunal is that on 21.03.2014 at 7.15 p.m., they were standing by the side of the road in front of the office of Gram Panchayat Majare Karve to go to their house. At that time, one motorcycle bearing registration No.KA-22/ED-4127 came from Belagavi side and hit against both the claimants by losing control over the vehicle. Due to the said accident, both claimants sustained injuries.

11. To substantiate the above contention, the claimant in MVC No.810/2014 filed her affidavit and also she was cross-examined by both the counsel. She has produced certified copy of FIR and Panchanama marked as Ex.P1 and P3, which are in Marathi language. The translated copy of the same are marked as Ex.P2 and P4. A perusal of Ex.P2 and P4 would reveal that though the accident occurred on 21.03.2014, the complaint was lodged only on 2.4.2014, i.e. there is delay about 12 days



in lodging the complaint. There is no mention in the complaint as to why she lodged the complaint belatedly. There is specific averment in the complaint that both the claimants were standing by the side of the road and the vehicle in question came with high speed and in a rash and negligent manner and dashed against them and caused the accident. She has stated the name of the claimant in MVC No.809/2014 twice in that complaint. In this regard, in the cross-examination, the claimant-Indubai has specifically deposed that she does not know, who is Sagar Ramesh Chougule. It is to be noticed that without knowing who is Sagar Ramesh Chougule, how she has mentioned his name in the complaint is not forthcoming. The claimant in MVC No.809/2014 was examined by doctor as per Ex.P45-Medical Certificate issued on 26.3.2014, whereas the alleged accident occurred on 21.03.2014, i.e. there is five days delay in admitting to the hospital. No explanation is given as to what was the



treatment taken by the said claimant from 21.3.2014 to 26.3.2014.

12. The police have not produced IMV report along with charge sheet. However, the claimants have produced one receipt said to have been issued by India Auto Care marked at Ex.P8. A perusal of Ex.P8 would disclose that the vehicle in question was damaged and he has charged Rs.500 for its repair. The date and time of examination and repair of the vehicle is not forthcoming in Ex.P8-receipt. Except mentioning that the vehicle is two wheeler and its damages, Ex.P8 does not reveal any other fact. The owner of the vehicle is also not examined to substantiate these aspects.

13. As per cross-examination of PW1, there were several other persons at the spot of the accident, however, none of them were examined to substantiate the contention of the claimants. Further, in the cross-examination, PW1 has specifically deposed that she does not know the vehicle which caused the accident to her.



Even PW2 has deposed in his cross-examination that he does not know about Indubai, who is claimant in MVC No.810/2014. He has deposed that he admitted to Dr.J.H. Jadhav Hospital after the accident. But he has produced the medical certificate (Ex.P45) issued by Tukkar Hospital and not certificate issued by Dr. J.H. Jadhav.

14. Generally, production of FIR, complaint and charge sheet is sufficient to prove the accident. However, in some peculiar cases, like this, examination of other materials is very much necessary, that too when there is delay of 12 days in lodging the complaint. In this regard, learned counsel for the appellant/injured placed reliance on a decision of the Hon'ble Apex Court in the case of **Ravi Vs. Badrinarayan & others²**, wherein the Hon'ble Apex Court has held as under:

"20. *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*

² AIR 2011 SC 1226



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. 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."

15. In the above said judgment, the Hon'ble Apex Court has specifically stated that when there is delay in lodging the complaint, then the Courts are required to examine the evidence with a closure scrutiny. On a closure scrutiny of the evidence of PW1 and 2 and Exs.P1 to 5 and 7, I am of the considered opinion that the claimants have failed to prove the involvement of the vehicle in question in the accident.

16. Considering all these aspects in a proper perspective, the Tribunal has rightly dismissed both the claim petitions on the ground that the claimants have



failed to prove the accident. I find no reason to interfere with the above said judgment and award of the Tribunal. Accordingly, I answer the point framed in the "negative" and proceed to pass the following:

ORDER

- a) The above appeals filed by the claimants are ***dismissed*** as devoid of merits, by confirming the impugned judgment and award of the Tribunal in MVC Nos.809/2014 & 810/2014.
- b) No order as to costs.

**Sd/-
(GEETHA K.B.)
JUDGE**

JTR
CT:VP
LIST NO.: 1 SL NO.: 36