



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 103027 OF 2016 (MV)

BETWEEN:

1. MALLAPPA S/O. BHIMAPPA HARIJAN
AGE: 36 YEARS, OCC: COOLIE,
R/O: MAHADEV NAGAR, HUBBALLI,
TQ: HUBBALLI, DIST: DHARWAD.
2. SMT. KANTHEWWA W/O. MALLAPPA HARIJAN
AGE: 31 YEARS, OCC: HOUSE HOLD,
R/O: MAHADEV NAGAR, HUBBALLI,
TQ: HUBBALLI, DIST: DHARWAD.

...APPELLANTS

(BY SRI RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI DINESH M. KULKARNI, ADVOCATE)

AND:

1. NAGESH S/O. KUBERAPPA HESRAMBI
AGE: MAJOR, OCC: OWNER OF VEHICLE,
R/O: ARASHINAGERI, POST: HUNAGUND,
TQ: MUNDAGOD, DIST: UTTAR KANNADA.
2. THE GENERAL MANAGER
ROYAL SUNDARAM GENERAL INSURANCE CO.,
DB PLAZA 3RD FLOOR, 47, WHITES ROAD,
CHENNAI-014, TAMIL NADU.

...RESPONDENTS

(BY SMT. ANUSHA SANGAVI, ADVOCATE FOR
SRI S.K. KAYAKAMATH, ADVOCATE FOR R2;
NOTICE SERVED TO R1)





THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 28.06.2016 PASSED BY PRL. CIVIL JUDGE AND JMFC HUBBALLI IN MVC NO.362/2015 AND TO ALLOW THE APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

This appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988 (in short 'MV Act'), praying for setting aside the judgment and award, dated 28.06.2016 passed in M.V.C. No.362/2015 by the Principal Senior Civil Judge & JMFC, Hubli, (in short 'the Tribunal') by unsuccessful claimants.

2. Parties would be referred with their rank, as they were before the Tribunal, for the sake of convenience and clarity.

3. Claimant has filed the petition under Section 166 of M.V. Act before Principal Senior Civil Judge and JMFC, Hubli, in M.V.C. No.362/2015, wherein petitioners have



claimed compensation for the death of one Annappa S/o Mallappa Harijan took place due to the accident that occurred on 28.03.2014 at 05.30 p.m. at Arasingeri of Mundagod Taluk, Uttara Kannada.

4. On receipt of notice, the respondent No.2-insurer filed objection statement wherein it denied the petition averments in toto regarding the date, place, time of the accident; the manner in which happened; and further took specific contention that petition is bad for want of territorial jurisdiction to try the petition and prayed for dismissal of the petition.

5. After framing the issues, and hearing arguments regarding preliminary issue on the point of jurisdiction, the Tribunal has dismissed the petition on the ground that the accident occurred not within the local limits of the Tribunal, the claimants have not produced any material before the Tribunal that claimants were residents or carries on business within the local limits of of Hubli Taluk or respondent is carrying on business at Hubli Taluk.



6. Aggrieved by it, appellants/claimants have preferred this appeal.

7. The learned counsel for appellant Sri Raghavendra Purohit for Sri Dinesh M. Kulkarni would submit that the claim petition ought not to have been dismissed because the claimants are residents of Hubli taluk and thus, they come under second ingredient of S.166(2) of MV Act. In this regard, he relied on the judgment of Co-ordinate bench of this Court in MFA No.24605/2013 dated 31.08.2016 wherein at paragraph No.7 it is held as follows:

*"7. It is stated, the accident occurred on 28.02.2011 at about 10.30 hours. The petitioner has filed claim petition before the MACT at Hubli. The petitioner has given his Hubli address also. The 2nd respondent-Insurance Company is carrying on its business at Hubli. Therefore, the Tribunal was not justified in dismissing the petition on the ground that it has no jurisdiction to try the case. The Hon'ble Supreme Court in Civil Appeal No.10/2016, disposed on 5.1.2016, in the case of **Malathi Sardar Vs National Insurance Company** has held that there is no bar to file claim petition in the place where the Insurance Company carries on its business. In the present case, the Insurance Company is carrying its business at Hubli. Therefore, the Tribunal was not justified in dismissing the claim petition on the ground that it has no jurisdiction. Therefore, the impugned Judgment and order cannot be sustained in law."*



8. Relying upon the aforesaid judgment, the learned counsel for appellants would pray for allowing the appeal stating that the Tribunal erred in not verifying the records properly.

9. Learned counsel for respondent No.2 Smt.Anusha Sangami for Sri S.K.Kayakmath would submit that claimants ought to have produced the address proof document to show the proper address of claimants if they contend that they are residents of the place within the local limits of the Tribunal. However, claimants in the present case have not produced any such material. Hence, she would pray for dismissal of the appeal by confirming the judgment passed by the Tribunal.

10. Having heard the arguments of both sides and verifying the records, the only point that would arise for consideration is 'Whether the Tribunal at Hubli is having jurisdiction to entertain the claim petition?'

11. Finding on this point is in "negative" for the following reasons:-



12. This claim petition is filed under Section 166 of the M.V. Act, praying for compensation in respect of death of one Annappa S/o Mallappa Harijan who died due to the accident that had taken place on 28.03.2014 at 05.30 p.m. at Arasingeri of Mundagod Taluk, Uttara Kannada District due to the rash and negligent driving of driver of Tata ACE vehicle bearing registration No.KA-31/9025.

13. As per Section 166(2) of the M.V. Act, the claim petition can be filed at the option of claimants in any one of the following places:

- i) within the jurisdiction of the Tribunal in which the accident happened;
- ii) within the local limits of whose jurisdiction, the claimants reside or carries on business; or
- iii) within the local limits of whose jurisdiction the defendant resides.

14. In the instant case, admittedly the accident occurred within Mundagod taluk, Uttara Kannada District



and not within the jurisdiction of Hubli. Hence, the first ingredient of Section 166(2) of the M.V Act is not fulfilled.

15. Second one is within the local limits of whose jurisdiction, the claimants reside or carries on business. In the claim petition, claimants have stated that they are the residents of Hubli. However, the claimants have not produced any iota of material to show that they were residents of Hubli at the time of alleged accident or atleast at the time of filing the petition.

16. Third one is within the local limits of whose jurisdiction the defendant resides. Respondent No.1 is resident of Mundagod Taluk and not Hubli Taluk; the address of respondent No.2 is shown as Chennai, Tamil Nadu. No material is produced to show that the second respondent is having any branch office at Hubli.

17. In the judgment of the Co-ordinate of this Court relied by the learned counsel for claimants, it is held that the respondent-insurer was having Branch Office at Hubli and thus, by relying on the judgment of Honb'le Apex Court



in ***Civil Appeal No.10/2016*** disposed off on ***05.01.2016*** between ***Malathi Sardar Vs. National Insurance Company Ltd. and others***, it was held that the claim petition could be filed where the insurance Company carries on its business and remanded to the Tribunal for fresh disposal in accordance with law. However, that is not the situation in present case. As discussed above, no material is produced to show that claimants are residents of Hubli Taluk or respondent No.1 is resident of Hubli Taluk or respondent No.2 is having its branch office in Hubli Taluk. Under these circumstances, definitely the Tribunal at Hubli is not having territorial jurisdiction to try the petition.

18. Considering these aspects, rightly the Tribunal has dismissed the claim petition. There is no reason to interfere on the aforesaid judgment. Hence, the appeal filed under Section 173(1) of the M.V. Act stands dismissed.

Sd/-
(GEETHA K.B.)
JUDGE

VMB
Ct-cmu, List No.: 1 Sl No.: 13