

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19th DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 7047 OF 2018 (MV-I)

BETWEEN:

HAREESHA
S/O LOKESHA
AGED ABOUT 30 YEARS,
R/AT HARAMBALLI VILLAGE
HOSA AGARAHARA HOBLI
K.R. NAGARA TALUK-571 601
MYSURU DISTRICT.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SMT. PRABHAMANI
W/O SHESHAGIRI RAO
AGED ABOUT 53 YEARS,
R/AT FORT BUS STAND ROAD
CHANNARAYAPATNA TOWN.
2. SRI JAYARAMU
S/O LATE RAJU, MAJOR
R/AT GAYATHRI EXTENSION
A.D. COLONY, WARD NO.9
NAGASAMUDRA ROAD
CHANNARAYAPATNA TOWN
(RIDER OF MOTOR BIKE).
3. SRI L. RAVIKUMAR
THE MANAGER
BAJAJ AUTO FINANCE LTD.,
NO.262/2, 2ND CROSS
LAKSHMANAGARADI BUILDING

DEVARAJ MOHALLA
MYSURU-570 004.

...RESPONDENTS

(BY SRI. N. SATHISH, ADVOCATE FOR R1;
NOTICE TO R2 IS HELD SUFFICIENT
V/O DATED 12.06.2025;
R3 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 07/10/2017, PASSED IN MVC NO.393/2015, ON THE FILE OF THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, HASSAN DISTRICT (SIT AT CHANNARAYAPATNA), AWARDING COMPENSATION OF RS.3,10,000/- WITH INTEREST AT THE RATE OF 9% P.A., FROM DATE OF PETITION TILL REALIZATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 01.12.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal is filed by the appellant/owner seeking for setting aside the judgment and award dated 07.10.2017 in MVC No.393/2015, passed by the IV Addl.District and Sessions Judge and MACT, Hassan District (Sit at Channarayapatna) (for short, 'Tribunal').

2. The appellant is the owner of the offending vehicle and the respondents No.1 to 3 are the claimant, rider of motor bike and the Insurance Company before the Tribunal.

3. The parties are referred to as per their ranking before the Tribunal for easy reference.

The brief facts of the case are as under:

4. On 23.07.2014 at 9.00 a.m., on B.M.Road, near new KSRTC bus stand of Channarayapatna town, offending motorbike of 2nd respondent bearing Registration No.KA-45-H-6121 and ridden by its rider 1st respondent in a negligent manner, dashed the petitioner/claimant and as a result of said impact, claimant sustained injuries. The claimant has produced supporting documents regarding the treatment taken as an inpatient as well as out-patient.

5. Claimant filed claim petition seeking compensation of Rs.15,00,000/- with interest, under Section 166 of Motor Vehicles Act, 1988, for fracture of her both bones of

left lower limb, fracture of right clavicle and fracture of right shoulder joint in the alleged road traffic accident.

6. After issuance of notice, the respondent Nos.1 and 3 have remained absent and was placed exparte. The respondent No.2 has appeared through his counsel and filed his written statement.

7. 2nd respondent/owner of the offending bike has stated in his written statement admitting his ownership of offending bike and repudiating rest of the claim and prayed to dismiss the claim.

8. In order to substantiate the case of the petitioner, the petitioner got herself examined as PW-1 and examined the treated doctor as PW.2 and got marked documents at Exs.P1 to P24. On the other hand, respondents were neither examined nor marked any documents.

9. On the basis of the pleadings of the parties, the Tribunal framed the issues and held that the Respondents

No.1 and 2-rider and owner of the offending vehicle are jointly and severally liable to pay a total compensation of Rs.3,10,000/- to the petitioner/claimant with interest at the rate of 9% per annum from the date of petition till realization. Appeal was dismissed as against Respondent No.3-Finance Company.

10. Learned counsel for the appellant/owner of the offending vehicle submitted that the vehicle bearing No.KA-45-H-6121, ridden by Respondent No.2 in a rash and negligent manner on the date of the accident, hit the 1st respondent near the bus stand of Channarayapatna Town and the respondent No.1 in MVC No.393/2015 suffered injuries and fracture. It is further contended that the aforesaid offending vehicle was seized by the Respondent No.3 on 01.11.2010 from the appellant, but the vehicle is in the name of the appellant till date and the appellant is made as party to the proceedings as the R.C of vehicle bearing No.KA-45-H-6121 is in his name.

11. Learned counsel for Respondent No.1/claimant submitted that Tribunal has rightly allowed the claim

petition in part and awarded a compensation of Rs.3,10,000/- with interest at the rate of 9% p.a., and there is no illegality or infirmity in the impugned Judgment.

12. On hearing the submissions of the learned counsel for the parties and on perusal of the record, it is observed that the appellant herein has not substantiated his plea that his offending bike was seized by the Bajaj Finance Company on the date of accident and he was not in custody of the said vehicle at the time of accident. Though the appellant has taken this contention in appeal, but he has not filed any documentary proof to show that the 3rd respondent herein seized the vehicle and not filed any proof before the Tribunal. In view of the same, the Tribunal concluded that the liability is fastened on the 1st and 2nd respondent to pay the compensation and appeal is also dismissed against Respondent No.3 on the ground that respondent No.3 is not liable to pay the compensation.

13. In view of the above observations, it is opined that the Tribunal has rightly considered and passed the impugned award dated 07.10.2017 in MVC No.393/2015, passed by the IV Addl.District and Sessions Judge and MACT, Hassan District and there is no illegality and infirmity in the impugned order.

Hence, the appeal is ***dismissed.***

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

GSR/BNV